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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1390th MEETING

Held at Headquarters, New York,
on Monday, 12 August 1991, at 3 p.m.

Chairman: Mr. SLABY (Czechoslovakia)

- Special Committee decision of 15 August 1990 concerning Puerto Rico (continued)

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In the absence of the Chairman, Mr. Slaby (Czechoslovakia), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

SPECIAL COMMITTEE DECISION OF 15 AUGUST 1990 CONCERNING PUERTO RICO (continued)

At the invitation of the Chairman, Mr. Pedro J. Rosselló (Partido Nuevo Progresista) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Rosselló.

Mr. ROSSELLO (interpretation from Spanish): I am grateful for the opportunity to appear before this Committee, which the United Nations has entrusted with the task of working to eliminate colonialism from today's world and which, at these particular hearings, is studying the colonial problem of Puerto Rico.

My name is Pedro Rosselló. I am a Puerto Rican by birth, by tradition and by personal conviction. I am a citizen of the United States of America by act of the United States Congress, which granted American citizenship to Puerto Ricans. At the present time I am Chairman of the Partido Nuevo Progresista, which advocates the decolonizing integration of Puerto Rico into the United States, that is to say, statehood.

My party is one of the main political parties of Puerto Rico, which received 46 per cent of the vote in the last general elections and has won three of the last six general elections. Our official position is that Puerto Rico still is a colony in the eyes of the world. We call on the United Nations to be faithful to its Charter and exert its influence to bring about the final decolonization of Puerto Rico.

As a first step, this Committee should declare unequivocally that the present relationship of Puerto Rico with the United States is a colonial one.

(Mr. Rosselló)

Through the Treaty of Paris of 1898, Puerto Rico was ceded to the United States without the consent of the Puerto Rican people. The plenary authority that the United States then acquired over Puerto Rico stems from article IX of the Treaty, which states that the political status of the native inhabitants of the territories ceded to the United States shall be determined by the Congress. No one has been able to deny the obvious colonial situation that was thus established. From that time on and uninterruptedly to the present day, relations between Puerto Rico and the United States have been covered by article IV, section 3, paragraph 2, of the American Constitution, which states that "The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States". This relationship has remained unchanged to this day. The acts of Congress adopted from 1898 to the present have granted Puerto Rico only a certain degree of freedom for its internal organization.

(Mr. Rosselló)

The Foraker Act of 1900 allowed a civilian Government to be set up, following the military regime established in 1898. The Jones Act of 1917 called for the reorganization of the local Government, with power to effect only internal changes, in accordance with the territorial clause. In 1947, provision was made for the election of the Governor, again an internal change which had no effect on the sovereignty held by the Congress. On none of these occasions did the people of Puerto Rico have the opportunity to approve these changes.

Act No. 600 of the Eighty-first Congress stipulates that the Puerto Rican people may organize itself internally by adopting its own constitution. In every discussion during this process it is clearly documented that at no time would the relationship between the United States and Puerto Rico be changed and that the final result would always be determined by the Congress. In fact, after the Puerto Rican people adopted its new constitution, section 20 was unilaterally deleted from the Bill of Rights by the Congress, which thus reasserted its prerogatives under the territorial clause. The continued validity of that clause, applicable to Puerto Rico, has been reaffirmed by many juridical decisions, including the classic and fundamental case of Harris vs. Rosario in the United States Supreme Court.

This is the political reality of today. What began in 1898 as an indisputable colonial relationship has been kept unchanged to this day. We ask this Committee and the entire Organization to declare the present colonial situation of Puerto Rico clearly and officially.

You bear a responsibility to Puerto Rico and the world to do so. This is required by the Charter of the United Nations and the various relevant resolutions of the Organization. Chapter XI, Article 73, of the Charter, imposing responsibilities upon the administering Powers of Non-Self-Governing

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Territories, calls upon them to submit reports to the Secretariat on economic, social and educational conditions in the Territories. Since the adoption of that declaration with respect to Non-Self-Governing Territories, the United Nations has gradually developed definitions, parameters and guidelines to ensure that the general principles of decolonization are complied with. General Assembly resolution 648 (VII) of 10 December 1952 defines, although somewhat ambiguously, the possible ways for the decolonization of Non-Self-Governing Territories. That resolution contains a list of factors necessary for achieving full self-government. However, because of the confusion in certain aspects of that resolution, an Ad Hoc Committee was given the responsibility of more clearly elaborating the factors to be taken into account deciding whether a Territory has achieved full self-government. This process culminated in the adoption on 27 November 1953 of resolution 742 (VIII), which recognizes the validity of three separate options: independence, integration and "other separate systems of self-government".

It is interesting that during that period, which was marked by a lack of definition and by confusion with regard to the future alternatives for Non-Self-Governing Territories, the General Assembly adopted resolution 748 (VIII), by which it agreed that the United States could cease reporting to the Secretariat on matters relating to the Territory of Puerto Rico. However, precisely that resolution is challenged every year in this Committee.

We share the view of many students of this subject who maintain that that resolution was ultra vires and therefore invalid, since it did not conform to the requirements established in the previously adopted resolutions 648 (VII)

(Mr. Rosselló)

and 742 (VIII). As a result of that situation, we ask this body to revoke resolution 748 (VIII) and declare it null and void.

With the gradual definition by the United Nations of the options for Non-Self-Governing Territories to emerge from colonialism, it has become perfectly clear that the colonial relationship of Puerto Rico with the United States, dating back to 1898, still persists. Resolution 1514 (XV) of 14 December 1960, known as the Declaration on the Granting of Independence to Colonial Countries and Peoples, declares that the peoples of the world ardently desire the end of colonialism in all its manifestations and states that all peoples have a right to self-determination. One day later the General Assembly adopted resolution 1541 (XV), "principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 (e) of the Charter". Principle VI of that resolution establishes that:

"A Non-Self-Governing Territory can be said to have reached a full measure of self-government by:

"(a) Emergence as a sovereign independent State;

"(b) Free association with an independent State; or

"(c) Integration with an independent State."

Principle VII of the resolution, referring to free association, requires maintenance of the freedom of the associated territory to change the status of that territory through the free expression of its will.

The CHAIRMAN: I wish to inform the petitioner that he has exceeded his time-limit. However, he may continue.

Mr. ROSSELLO (interpretation from Spanish): The current relationship of Puerto Rico clearly fails to meet the requirements of any of the valid options for achieving full self-government: independence, integration - that is to say, statehood - or free association. So long as Puerto Rico remains subject to the provisions of the Treaty of Paris and the territorial clause of the United States Constitution, it will continue to be under the colonial mantle as a Non-Self-Governing Territory, a Territory not incorporated into the United States system.

(Mr. Rosselló)

The United States General Accounting Office, as recently as June of this year, submitted a report entitled, "United States Insular Areas: Applicability of Relevant Provisions of the United States Constitution". A draft of the report was circulated to a number of agencies of the Federal Government and to the Territories under consideration. The Puerto Rican Secretary of Justice, who advocates the maintenance of the existing relationship between Puerto Rico and the United States, responded as follows in a letter dated 14 January 1991:

(spoke in English)

"In sum, it is important that your report recognize the nature of the unique relationship between the United States and Puerto Rico and the fact that that relationship is no longer governed by the Territorial Clause of the Federal Constitution but, as explained by the First Circuit Court of Appeals, by the terms of the compact itself."

(continued in Spanish)

The position of the Justice Secretary of Puerto Rico was not supported by the Department of Justice of the United States. Harry Flickinger, Assistant Attorney General for Administration, responded to the same draft of the 12 April 1991 report and discussed the matter relating to the applicability of the territorial clause as follows:

(spoke in English)

"Various factions within the Commonwealths of Puerto Rico and the Northern Mariana Islands have argued that the Territory Clause does not apply there. The United States has sovereignty in these Commonwealths, however, and under the Constitution and applicable law, the source of constitutional authority for exercise of federal authority in all areas under the sovereignty of the United States is the Territory Clause.

(Mr. Rosselló)

The argument that the Territory Clause does not apply is tantamount to a claim that there is no constitutional source for federal lawmaking in Puerto Rico and in the Northern Marianas and that these entities are basically independent sovereigns. Not surprisingly, every court to consider the Territory Clause provides the fundamental constitutional source of authority governing the relationship between the U.S. and the Commonwealths."

(continued in Spanish)

The final report of the General Accounting Office made inevitable the interpretation of the United States Department of Justice establishing that the territorial clause applies to the political relationship between Puerto Rico and the United States. Puerto Rico is still a colony.

We ask the United Nations to bring its influence to bear in order to ensure that Puerto Ricans exercise their right to self-determination -

The CHAIRMAN: I apologize for interrupting you once again, but we have a seven-minute time-limit for statements here. You have now exceeded this time-limit by four minutes. Please read the statement to its conclusion. You have a final minute now in which to do so.

Mr. ROSSELLO: I must say that we were not informed of the time-limit previously, and I would request the right to finish our statement. (continued in Spanish)

Furthermore, we believe that the United Nations, on the basis of its own Charter and the principles outlined in subsequent resolutions, has an inescapable responsibility to ensure that the options presented to the people of Puerto Rico are truly decolonizing in nature. Only in this way will it be possible to ensure a real process of self-determination.

The use of a formula that would, in the words employed by the

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representative of Poland in a discussion of General Assembly resolution 648 (VIII), make it possible to ratify disguised colonial subjugation, as has been attempted by the United States through the commonwealth status of Puerto Rico, cannot be permitted again.

We call on the United Nations to participate in making the alternatives valid in content. Specifically, they must meet the standards established in General Assembly resolution 1541 (XV), and it should be explicitly stated that they are not subject to the territorial clause of the United States Constitution.

This body should declare the legitimacy of every formula presented to the people as a means of putting an end to colonialism in Puerto Rico. In the context of the former United States Territories, history has already shown that it is possible to opt for valid alternatives. The former colony of the Philippines, which, like Puerto Rico, was added by Spain to the United States by means of the Treaty of Paris, obtained its independence in 1946. The United Nations did not challenge then, and is not now challenging, the validity of that option. The Non-Self-Governing Territories of Alaska and Hawaii attained statehood (integration) in 1959. The Organization did not challenge then, and is not now challenging, the validity of that option, as demonstrated by General Assembly resolution 1469 (XIV). However, although Puerto Rico was excluded from the list of Non-Self-Governing Territories in 1953 by means of General Assembly resolution 748 (VIII), that resolution is challenged here in this Committee every year, because it is manifest that the current status does not fulfil the minimum requirements for true and full self-government.

It should be clear that statehood (integration) is clearly rendered legitimate by the resolutions of the Organization itself as an option for the

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full exercise of sovereignty by the people. Furthermore, within the constitutional context of the United States, statehood represents an acquired right of American citizens politically organized in due and proper form. The Partido Nuevo Progresista claims this right for our people.

We also request that the United Nations should participate as an observer in the referendum of the people, so that it may determine the validity of this process of self-determination and so that no doubt can be cast on the decision afterwards by those whose option is not favoured. The Organization has previously taken part in the same capacity in plebiscites and referendums in United States Territories.

The President of the United States, George Bush, is a great friend of Puerto Rico and is very well aware of our special situation. He has stated to the Congress and to the nation his commitment to ensuring that Puerto Ricans exercise their right to self-determination. We applaud his initiative and his leadership. The Congress began action to promote a consultation process among Puerto Ricans to define our political status, but it has not yet been able to adopt legislation to guarantee that this right is exercised. Scarcely three days ago, the chairmen of the three political parties of Puerto Rico signed a Declaration which calls for:

> "recognition of the people's inalienable right to self-determination, the right to choose among alternatives of equal political validity, based on the sovereignty of the people and not subject to the plenary powers of the Congress under the territorial clause. The legitimacy of these formulas shall be determined by the United Nations and the United States Congress."

The Organization should use its influence to ensure that the United States Congress responds to the claims of the Puerto Rican people.

(Mr. Rosselló)

In short, it is our belief that Puerto Rico is on the threshold of a unique opportunity which may enable it to put an end to a history of five uninterrupted centuries of colonialism. The United Nations, as a result of declared principles aimed at eliminating colonialism from our modern world, has an obligation to participate in this process in order to provide alternatives truly capable of decolonizing Puerto Rico.

For that reason, we call upon this international body to do the following:

First, it should officially declare the Commonwealth of Puerto Rico a Non-Self-Governing Territory (a colony) under the sovereignty of the United States, thereby revoking General Assembly resolution 748 (VIII).

Secondly, it should, in accordance with Chapter XI, Article 73, of the Charter of the United Nations, require the preparation of reports on Puerto Rico.

Thirdly, it should exert its influence to ensure the decolonization of Puerto Rico.

Fourthly, in conformity with the Charter of the United Nations and the principles outlined in subsequent resolutions, this body should shoulder its ineluctable responsibility to ensure that the options for free determination of political status to be presented to Puerto Ricans at the appropriate time are really truly decolonizing alternatives.

Fifthly, at the time when that consultation of the people takes place, the Organization should participate as an observer and ascertain the validity of the exercise of self-determination.

We trust and hope that the Committee on Decolonization and the Organization as a whole will carry out the task imposed on them by history.

The petitioner withdrew.

The CHAIRMAN: Before calling on the next petitioner, I should like to remind the Committee of the seven-minute time-limit for each speaker. By imposing this limit, the officers of the Committee are trying to make it possible for the Committee to hear all the petitioners and for all the petitioners to be heard by the Committee in the meetings scheduled for its consideration of the item. A similar limit was imposed last year. Moreover, I have been informed by the Secretariat that all petitioners had been informed of the limit. The Committee would highly appreciate the generosity and kindness of all petitioners in showing their understanding and cooperation. The preceding petitioner spoke more than 20 minutes. The Chair intends to proceed very strictly in conformity with the limit, including the possibility of stopping a petitioner in the middle of his statement.

At the invitation of the Chairman, Mr. Luis Nieves Falcón (Ofensiva '92) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Nieves Falcón.

Mr. NIEVES FALCON (Ofensiva '92) (interpretation from Spanish): My name is Luis Nieves Falcón, and I am speaking to the Committee as Coordinator of the campaign for the liberation of Puerto Rican political prisoners in the jails and prisons of the United States.

I bring before the Committee the problem of political repression in Puerto Rico and its most obvious consequences. The question is not foreign to the Committee, as reflected in the resolutions emanating from this body. Thus, in the resolution of 12 September 1978 the Special Committee:

> "... considers that the persecution, harassment and repressive measures to which organizations and persons struggling for the self-determination and independence of Puerto Rico have constantly been subjected constitute

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violations of the national rights of the Puerto Rican people to self-determination and independence."

In its resolution of 15 October 1979, the Committee concludes:

"... that the intensification of the persecution, harassment and repressive measures towards organizations and persons struggling for independence constitutes a grave violation of the inalienable right of the people ..."

It then goes on immediately to condemn the said persecution, harassment and repressive measures.

On 18 August 1980 the Committee:

"... concerned by the intensification of persecution, harassment and repressive measures against organizations and persons struggling for the inalienable rights of the Puerto Rican people ..."

proceeds again to condemn this behaviour by the United States.

On 24 August 1983, the Committee:

"... concerned by the intensification of repressive measures against the independence forces of Puerto Rico, including activities of the federal grand jury, used by the United States as a tool for pressure and intimidation of the Puerto Rican patriots" ... demands ..."the suspension of all the repressive measures adopted against the pro-independence forces of Puerto Rico."

On 11 August 1987, the Committee takes note of the:

"... general concern with the recent revelations supported by the judiciary decisions and declarations of the present territorial administration to the effect that for decades a systematic policy of discrimination and official persecution of tens of thousands of

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pro-independence Puerto Ricans has existed in flagrant violation of their civil and political rights."

On 15 August 1988 the Committee again takes note of the same situation.

On 17 August 1989 the Committee recalls the resolutions approved in 1987 and 1988, including the provisions relating to political persecution.

The conclusions of the Special Committee are confirmed by the People's Tribunal held in Barcelona on 27-29 January 1989, which concluded that:

"The United States has used a variety of tactics of dubious legitimacy to attack the activities of the Puerto Rican activists, including charges of conspiracy, grand jury investigations, paramilitary arrests, murders and repeated police brutality."

More recently, an international tribunal held in New York in December 1990 concluded, inter alia, the following:

"In the jails and prisons of the United States there is a substantial number of political prisoners and prisoners of war. These prisoners have been incarcerated on account of their opposition to United States policies and actions which are illegal according to both international and national law, including the right to free self-determination ... The United States Government is making a crime of, and imprisoning persons involved in, the self-determination struggles."

This is the situation of 18 men and women of Puerto Rico held in United States prisons for defending Puerto Rico's right to self-determination and independence. The treatment of Puerto Rican prisoners, in accordance with the statement of that international tribunal:

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"... constitutes torture and cruel, inhuman and degrading treatment, in violation of article 6 of the Universal Declaration of Human Rights and most of the minimum standards for the treatment of prisoners adopted by the United Nations."

Since these 18 men and women are incarcerated as a result of the systematic persecution carried out by the United States against those who are upholding Puerto Rico's right to independence, we request that the Committee should take into consideration the following:

First, the Final Declaration of the Non-Aligned Countries of September 1988, paragraph 220, in which they reiterate their concern:

"... with the information relating to the incarceration of Puerto Rican patriots by the United States Government, both in that country and in Puerto Rico ..."

and in which they urge that the political and civil rights of all Puerto Rican patriots should be respected.

Secondly, the sentence of the international tribunal, which concludes that:

"the Puerto Rican fighters who have claimed the status of prisoners of war have a right not to be judged by the United States courts but to be protected, instead, under the Geneva Convention. We believe that those prisoners, who have been illegally incarcerated for 10 years or more and been treated as criminals, should receive unconditional freedom, or at least be transferred to a neutral country."

Thirdly, the resolution of the United Church of Christ which calls for the unconditional amnestying of all Puerto Rican political prisoners.

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Fourthly, the demand of the Puerto Rican community for the release of the patriots as expressed in a memorial addressed to President Bush and published in the Spanish-language press today by the Puerto Rican intellectual community.

Taking all this into consideration, we ask the Committee to resolve the following:

First, that it repeats its requests of 15 August 1979 and 18 August 1980 to the Government of the United States that:

"it should allow an investigative mission of the Special Committee to visit Puerto Rico in order to gather all the relevant data, including particularly information on the persecution, harassment and repression of Puerto Rican patriots."

Secondly, that it requests of the United States Government that he imprisoned Puerto Rican patriots should be immediately released or that they should be allowed to be transferred to a neutral country or be permitted to go into exile in a country willing to grant them political asylum.

Thirdly, that the United States should cease the judicial harrassment currently being inflicted on the defenders of Puerto Rican independence.

Fourthly, that the United States should provide the necessary conditions for political exiles, or those outside of civil society at this time, to re-enter civic life.

These requests are consistent with the objectives which guided the establishment of the Special Committee and with its own resolutions on Puerto Rico, as well as with the justice and solidarity needed by the peoples struggling against colonialism.

The petitioner withdrew.

At the invitation of the Chairman, Mrs. Laura Albizu Meneses (Puerto Rican Nationalist Party) took a place at the Committee table.

The CHAIRMAN: I call on Mrs. Albizu Meneses.

Mrs. ALBIZU MENESES (interpretation from Spanish): My name is Laura Albizu Meneses, and I am speaking on behalf of the Puerto Rican Nationalist Party, Liberation Movement. With me is Miss Thelma Milk, a distinguished United States citizen who from 1947 until 1950 served as observer for the Puerto Rican Nationalist Party at the United Nations. Her credentials as observer for an non-governmental organization were withdrawn immediately after the heroic action of 30 October 1950.

The Puerto Rican Nationalist Party, Liberation Movement, comes once again to this international forum to denounce the situation of military intervention to which United States imperial rule has subjected the people of Puerto Rico since 1898. That intervention is reflected in every aspect of the socio-political and economic life of the people of Puerto Rico and is characterized by permanent war against our nation.

The United States, after the violence of a military invasion, has tried during 93 years of occupation to legitimize its presence in Puerto Rico and validate it internationally, even through this very forum. The Charter of the United Nations, in its Article 1, and several articles of the Universal Declaration of Human Rights establish the Organization's obligation to promote respect for the human rights and fundamental freedoms of all persons without discrimination, as well as the right to liberty, justice and peace and the right of peoples to rebel against tyranny and oppression.

Since 1946 the Puerto Rican nation, through the Puerto Rican Nationalist Party, has called upon the international community to demand that the United States Government should put an end to its intervention in Puerto Rico. Since

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that time, the political and economic pressures and manipulations of the United States empire have imposed its interests above the decisions of our people and in disregard of the opinion of the international community.

We are now entering the last decade of the twentieth century, dedicated by this international forum to ending colonialism. The farce of the 1952 Constitution of the Commonwealth no longer enables the United States Government to disguise the regime of intervention prevailing in Puerto Rico. The United States executive power itself recognizes the colonial status of the Puerto Rican nation and is preparing new formulas and farces to enable it to maintain its colonial domination over Puerto Rico.

International political forces are regrouping, and we can foresee a world polarized between the rich industrialized countries of the North and the economically indebted and impoverished developing countries of the South. The United States is emerging as the leading military Power, seeking to strengthen its deteriorating economy in every possible way. And in this strategic military and economic scheme, Puerto Rico has already been assigned a role by the empire.

On the other hand, the Ibero-American community, to which Puerto Rico belongs, reaffirms its own personality in this community of roots which is based on democracy and on respect for human rights and fundamental freedoms and which wants a future of certainty, peace and security for its people. The Declaration of Guadalajara, adopted at the first summit meeting of Presidents of Ibero-American nations, which was held recently in Mexico, supported the efforts of the United Nations to put an end to colonialism by the beginning of

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the twenty-first century. In so doing, the participants in the summit meeting declared themselves in favour of the independence of Puerto Rico and its inclusion in the community of free nations.

The Puerto Rican Nationalist Party speaks on behalf of the Puerto Rican nation, its children, men and women, the hungry, the dispossessed, the workers, the labourers, the incarcerated patriots, the persecuted, those who, on all fronts of the struggle, have devoted their lives and all they own to the independence of their country. It speaks, too, in the name of an invincible nation at war, reaffirming its commitment to fight until the final victory, and demands that the members of the Committee should voice their support for the self-determination and independence of Puerto Rico, because above and beyond the interests of their own Governments, the members of the Committee have a responsibility to carry out the mandate of the international community and put an end to colonialism in the world.

We appeal particularly to the Ibero-American and Caribbean nations, the community to which we belong, because there will be no security on our continent, this America of ours, nor in the entire world, so long as Puerto Rico continues to be an enclave of the most powerful military empire of our day and the spearhead of aggression against fraternal peoples.

The Puerto Rican Nationalist Party, Liberation Movement, draws the Committee's attention to the fact that it must remain alert to every manoeuvre attempted by the United States Government in Puerto Rico. Nothing that the United States Congress orchestrates for Puerto Rico, no legislation imposed by the empire upon its colony, will be aimed at benefiting the oppressed nation;

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rather, these will be aimed at benefiting the United States itself. This has been demonstrated at length throughout the 93 years of United States intervention in Puerto Rico, and refusing to see it is like trying to cover the sun with one finger.

Therefore the Puerto Rican Nationalist Party declares that the only way to end colonialism in the last Territory in the Americas which has not yet achieved its sovereignty and independence must be the United States Government's recognition of the independence of Puerto Rico; the immediate cessation of United States intervention in our country; the demilitarization of our territory, with the consequent withdrawal of United States troops and federal institutions; the unconditional release of all Puerto Rican patriots being held prisoner; and the transfer of powers to ensure that the Puerto Rican nation will be able to determine its own political destiny for itself, in a legitimate process of self-determination and sovereignty.

It is the task of the Committee members to carry out the mandate of the international community and declare that they support the basic rights of a people. We, the Puerto Rican nation, must exercise our right and fulfil our obligation: to struggle today, as we did yesterday, as we will tomorrow and always, with a spirit of courage and sacrifice, in every possible way, until we achieve our final independence. That is how it will be.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Kenneth McClintock Hernandez (Chairman of the Comité Demócratas Pro Estadidad) took a place at the Committee table.

The CHAIRMAN: I call on Mr. McClintock Hernandez.

Mr. McCLINTOCK HERNANDEZ (interpretation from Spanish): My name is Kenneth McClintock Hernandez, and I am appearing here in my capacity as Chairman of the Comité Demócratas Pro Estadidad.

Despite the fact that American citizens residing in Puerto Rico do not have the right to vote in the election of the President and Vice-President of the United States, for many decades the two national parties of the United States, the Republican Party and the Democratic Party, have recognized the Puerto Rican electorate's right to participate in the nomination process for their respective official candidates for President of the United States.

Starting in 1980, Puerto Rican delegates to the national conventions of both parties have been selected by means of presidential primary elections held in March of each leap year.

In 1988, about 300,000 Puerto Ricans, or 45 per cent of the voters in the presidential primaries of the national Democratic Party in Puerto Rico, voted in favour of candidates for delegates who supported federated statehood for the island. On the basis of that vote, the Comité Demócratas Pro Estadidad, representing those 300,000 Puerto Ricans, was created.

During the plebiscite negotiating process, which extended from 17 January 1989 to April 1991, many Democratic Senators and Representatives, as well as President Bush and some Republican Senators and Representatives, understood the importance of the Puerto Rican people's exercising its right to self-determination.

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Prominent among them are Illinois Senator Paul Simon, New York Senator Daniel Patrick Moynihan, former Ambassador of the United States to this body, Louisiana Senator J. Bennett Johnston, Chairman of the Energy and Natural Resources Committee of the Senate, and New York Representative José Serrano, who is Puerto Rican. Although the plebiscite bill passed without any objection in the House of Representatives, signifying that body's readiness to accept us as a state or to grant us independence, depending on the wishes of the Puerto Rican people, the measure did not meet the same fate in the Senate.

There, owing to some archaic procedural rules which do not help the views of the majority to prevail, 10 Senators were able to block the bill and prevent its consideration by the full Senate; a handful of Senators halted the process of decolonization of a whole people which has been subjugated under colonialism for 498 years.

The Committee this week has the opportunity to let those 10 Senators know that their lack of action did not go unnoticed, that their obstruction bears a price and that that price is higher than any benefit they may have been able to obtain, whether politically or in monetary terms, from the powerful interests that may contribute to their re-election campaigns and the powerful interests which benefit from the continued colonial status of Puerto Rico.

The Special Committee on Decolonization, freed today from the ideological tensions of the past, can and should declare that Puerto Rico is, and has never ceased to be, a colony of the United States of America; that the United States must, before 31 December of this year, submit a report on its Puerto Rican colony for the period from 1953 - the year in which General Assembly resolution 748 (VIII) was adopted - to 1990 and submit annual reports from 1991 on until Puerto Rico ceases to be a colony; and that the United States

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Congress, pursuant to its obligations under international law, the Treaty of Paris and the territorial clause of its own Constitution, should proceed to adopt legislation to enable the Puerto Rican people to exercise its right to self-determination by a choice between statehood, independence and any other formula for decolonization which would be in keeping with the substance of General Assembly resolution 1541 (XV).

The petitioner withdrew.

At the invitation of the Chairman, Mr. J. A. Gonzalez Gonzalez (Fundación Andres Figueroa Cordero) took a place at the Committee table.

The CHAIRMAN: I now call on Mr. Gonzalez Gonzalez.

Mr. GONZALEZ GONZALEZ (interpretation from Spanish): For the second consecutive year the Fundación Andres Figueroa Cordero is honouring me by allowing me to speak in its name during the consideration of the colonial case of Puerto Rico. As is known, this subject has been discussed in the Committee of 24 since 1972, and all the resolutions on it that were approved have been ratified without change at plenary meetings of the General Assembly. All of these resolutions reaffirm the inalienable right of the people of Puerto Rico to its independence and self-determination, in accordance with General Assembly resolution 1514 (XV), as well as the applicability of the basic principles of that resolution to the case of Puerto Rico.

As we all know, the resolution is entitled "Declaration on the Granting of Independence to Colonial Countries and Peoples". I think it is important

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to stress, although there should be no need to do so, that what we are dealing with here is independence, not cosmetic changes of a political or juridical nature, let alone the absorption and destruction of any people's homeland.

As representatives will note, or have already noted, some of the petitioners who will speak on Puerto Rico today or tomorrow have not come here seeking moral and diplomatic support for the liberation of our home; instead, playing the game of Yankee imperialism, they will sing the praise of their masters and at the same time ask for help to improve the colonial situation but still keep it colonial.

This, in my opinion, is an insult to the Committee as a Committee and to its members as representatives of their countries. It is something that those of us who believe in human dignity cannot approve of in any way. But let everyone say what he wants. After all, this Committee has always been patient and tolerant with those who come here to deny their homelands, and I know that you, who are all free, sovereign and independent, are quite capable of separating the grain from the chaff - that is to say, you can distinguish between patriots and non-patriots.

Before continuing with today's subject, allow me to send a greeting to the national liberation movements which are struggling, with so many sacrifices, for the freedom of their homelands, such as the Palestine Liberation Organization, victim of the United States's favourite child in the Middle East, the African National Congress of South Africa (ANC), the Pan Africanist Congress of Azania (PAC) and the POLISARIO Front. We salute the patriots of the Frente Revolucionária de Timor Leste Independente (FRETILIN)

(Mr. Gonzalez Gonzalez)

and the patriots of New Caledonia. In my own country I am honoured to salute the Puerto Rican patriotic organization called Los Macheteros, and the most persecuted of our national liberation movements, the Puerto Rican Nationalist Party, the supreme leader of which was and always will be Don Pedro Albizu Campos, the centenary of whose birth we are celebrating this year in Puerto Rico and whose political statements include aphorisms such as the following two: The first says:

"The supreme hour of definition has arrived: we must be either Yankees or Puerto Ricans"

and the second says:

"To take away our homeland, they will first have to take away our lives."

I cannot fail to mention an extraordinary event which took place recently in Puerto Rico and which combines patriotism with Hispanic feeling. The colonial government - miracle of miracles - adopted a law which declares Spanish to be the official language, the sole official language, in open defiance of the Government of the United States, a country which, four years after invading Puerto Rico, imposed in 1902 a law making English the official language of the country, together with Spanish. It never consulted us before doing this. In recognition of the splendid and valiant action it took several months ago, the Puerto Rican people has been awarded one of the Spanish awards that command the greatest international prestige, the Prince of Asturias award.

(Mr. Gonzalez Gonzalez)

Nor can I fail to mention the fact that the so-called plebiscite which the United States Congress wanted to impose on our people, and which was to be held this year, failed. It failed thanks to that same Congress. As we said last year before this very Committee, we, the rebelling slaves will not participate in this plebiscite "made in the USA" and manipulated by the Congress in the name of Wall Street, the Pentagon and the White House. For us, a plebiscite which is not worked out in harmony with General Assembly resolution 1514 (XV) and the resolutions on the case of Puerto Rico and its colonial situation that have been approved by this Committee and ratified at plenary meetings of the General Assembly is a plebiscite with no validity whatever.

A few days ago the Security Council approved the admission to the United Nations of the Marshall Islands, which has 39,000 inhabitants, and the Federated States of Micronesia, with 95,000 inhabitants. We take pleasure in paying tribute to the triumph of those two nations, which now possess what we Puerto Ricans still have not achieved: freedom, sovereignty and independence. Nothing pleases us who are still enslaved as much as witnessing the birth of new free countries.

I am very concerned - and I want to be quite frank about this - about the recently proposed idea of accepting colonial governments, including, of course, that of Puerto Rico, as observers. Seen at first glance, from a bird's-eye view, as it were, the idea may appear good, very good, and I have no doubt that those who conceived it did so in very good faith. The colonial governments have a right to speak before the Committee. So far as I know, the Committee has never denied them that right, but they have spoken as petitioners and not in their own right. It must be borne in mind and never

(Mr. Gonzalez Gonzalez)

forgotten that colonial governments are the stewards of their imperial master. If they were not, the imperial master would make sure that they stop governing. This is known very well by all those present here whose free homelands were enslaved just a few years ago, when they were slaves of Great Britain, France, Portugal, Spain and Belgium.

The Committee of 24 is a place where people come seeking independence and freedom, not minor cosmetic changes. That is why the Committee was established, in accordance with the substance of General Assembly resolution 1514 (XV) and not Chapter XI of the Charter of the United Nations, a chapter in which the word "independence" does not appear anywhere and what does appear is the concept of self-determination, which has never been defined in a single universal way.

I have spoken of this in the Subcommittee on Information and in the Fourth Committee, using a letter from Mr. Fleischhauer, the Legal Counsel of the United Nations, for the purpose. It seems to me that the presence of the colonial governments in the Committee as observers would constitute a negation of the name of the Committee and of General Assembly resolution 1514 (XV), which gives it its life. The national liberation movements do have a right to participate as observers in their own right in the work of the Committee because they come here to promote independence, to force the oppressor into a corner, not to pull his chestnuts out of the fire.

This year marks the start of the International Decade for the Eradication of Colonialism. I believe that, in honour of this Decade, all the resolutions of the Committee of 24 which relate to specific Territories - from Puerto Rico, the largest colonial Territory, with 3,600,000 inhabitants, to the tiny Territory of Pitcairn, with less than 60 inhabitants - should refer to this

(Mr. Gonzalez Gonzalez)

fact, in both the preambular and the operative portions. I suggest that the resolution on Puerto Rico should include the following:

"Taking into consideration that this year begins the International Decade for the Eradication of Colonialism ..."

and in the operative portion:

"Requests the United States, the administering Power, to inform the United Nations as soon as possible of the date" - that is, the day, the month and the year - "when it will recognize Puerto Rico as a free, sovereign and independent nation."

As I said, this should be included in all resolutions referring to specific colonial cases. Once this is decided, both Parties can begin a dialogue with a view to reaching agreement on their relations after independence.

In conclusion, I should like to congratulate you, Mr. Chairman, on behalf of the Fundación Andrés Figueroa Cordero, named for a Puerto Rican hero, on your election to the post of Vice-Chairman of the Committee of 24.

Mr. Gonzalez Gonzalez withdrew.

The CHAIRMAN: With respect to these hearings, members have before them addenda 2 and 3 to aide-mémoire 20/91, containing an additional request for hearing on this item.

May I take it that the Committee agrees to grant the request?

It was so decided.

The CHAIRMAN: I now call on the representative of Venezuela, Ambassador Diego Arria, to introduce draft resolution A/AC.109/L.1769.

Mr. ARRIA (Venezuela) (interpretation from Spanish): I should like to congratulate you, Mr. Chairman, on the way in which you have been conducting this debate. I also wish to welcome the petitioners from Puerto Rico present here today, reflecting the great political diversity of Puerto Rico. We have heard their statements with great interest and respect. We Venezuelans believe that such statements add an important dimension to this discussion, and we value especially the love for their land that the petitioners express in their various statements.

At the same time, I should like to welcome the presence here today of the three Venezuelan parliamentarians who participate in the debates of the Committee every year and who represent the three main political organizations of Venezuela: Acción Democrática, COPEI and Movimiento al Socialismo.

In introducing the draft resolution today, we are seeking solely to place our debate on Puerto Rico in the new international context. It is evident that for many years the discussion was held in the context of the cold war, but that has now ended, and confrontation for confrontation's sake must end with it. Confrontation will not lead the people of Puerto Rico to the destiny of self-determination which has so long been denied them.

We propose to guide this process in the light of the new circumstances, especially the new opportunities that did not exist before.

We hope that the message that issues from this Committee will bear the weight and authority that only responsible and moderate use of international action can have in the eyes of such a Congress as that of the United States, so as to conclude the process which will enable Puerto Ricans to decide the course of their political future. We shall be better understood and better heeded if we incorporate this spirit into our resolution.

(Mr. Arria, Venezuela)

Venezuelans are very well aware of the complexity of relations in societies that have separation of powers and of the fact that the coexistence of that balance is the basis for the strength of our representative system. We know that legislation that offers clear and meaningful options, as was noted by Senator J. Bennett Johnston, Chairman of the Energy and Natural Resources Committee of the Senate of the United States, is complex and difficult.

(Mr. Arria, Venezuela)

Pluralistic societies such as ours understand clearly that democracy means not only majority rule but also respect for minorities, which includes referendums, offering all options. What is important is the value of a cause and not the number of its proponents. That is why we are not surprised that a country such as the host country, itself made up of minorities, has also included the so-called minority option in the plebiscite plan.

We are considering here the situation of a democratic Territory seeking to settle its differences with a democratic nation, to define and to overcome them. It is possible for Puerto Rico today to resolve its political status in a natural and simple way, which contrasts with many other places where such a pattern does not exist. We must remember that a plebiscite is among the most democratic of phenomena. One can wish that other peoples in other places could define and resolve their differences through a plebiscite. Why is Venezuela submitting this draft resolution?

We in Venezuela have always attached the highest importance to the right of peoples to self-determination, enshrined in the Charter of the United Nations and in the preamble to our own national Constitution. Puerto Rico is a Caribbean Territory that figures in the political agenda of the United States; how, then, could it fail to be in the agenda of a Latin American and Caribbean country such as Venezuela? The struggle of Puerto Ricans to preserve their culture and personality has no parallel in Latin America. Their recent decision to declare Spanish their official language is yet another aspect of their struggle to affirm their identity.

The international community, as represented in this Committee, has repeatedly expressed its support for a plebiscite for Puerto Rico. In my country, foreign policy is the responsibility of the President of the Republic, but like all democracies that respect the other governmental Powers,

(Mr. Arria, Venezuela)

Venezuela has been able to integrate into its foreign policy the views of its Congress, which recently adopted a resolution urging our Government to support self-determination for Puerto Rico in this Committee.

It will come as no surprise to anyone that we are defending and promoting Puerto Rico's right of self-determination; we are doing so with great sincerity and with the full authority of a democratic society which fully exercises its own self-determination and practises democratic solidarity. For the past four years we have been proposing that the Committee should initiate a waiting period to enable a consensus to form among the Puerto Rican people, especially because we realized that the United States Congress, with the support of the President of the United States, was starting a process of substantive legislation guaranteeing the Puerto Rican people the right to choose between three clearly defined options: independence, Commonwealth status and statehood. We also said that the Committee should act with circumspection, out of respect for an internal political process which is the responsibility of the people of Puerto Rico alone.

We believe that today there is a clear consensus in Puerto Rico on how to proceed. In May 1989, addressing the United States Congress, the political leadership of Puerto Rico publicly called for plebiscite legislation. Since 1953 and the Truman Administration, the political will of the executive branch of the United States Government has consistently favoured self-determination for Puerto Rico. That position could hardly be more clearly expressed than by the words President George Bush used in February 1991, when he urged Congress to act positively to make possible the holding of a plebiscite in Puerto Rico this year. The most pressing reason he mentioned was that, after nearly a century under the United States flag and more than 70 years as United States citizens, Puerto Ricans deserved the opportunity to say what political future

(Mr. Arria, Venezuela)

they wanted. The United States, he said, owed it to that people and to the principles of the United States itself to find out what path Puerto Ricans wanted to follow: statehood, independence or continued Commonwealth status. If the United States did not act promptly to resolve the matter, there would be reason to wonder whether it really believed in the self-determination of 3.6 million fellow human beings.

Neither Venezuela, nor this Committee, nor the General Assembly can ask more than what the Puerto Ricans themselves have asked, but we cannot ask less than what the President of the United States has asked.

What is lacking to complete the process?

One of the most splendid features of United States democracy is the free and independent role of the information media. In that connection I should like to summarize an editorial from The New York Times of 6 November 1990 entitled "Pallid Promises to Puerto Rico":

> "A congressional decision on a Puerto Rican plebiscite is a serious matter, but no vote is possible unless Congress deals with it seriously. Two years of dithering produced two plebiscite measures that were left in the lurch. These are the same lawmakers who can always find time to lecture the rest of the world on the need for self-determination in the Baltic republics or in South Africa. Mainlanders also have a duty to speak out for America's Caribbean stepchild."

The editorial concludes:

> "Congress has a poor record of respecting the wishes of Puerto Ricans, but nothing can be done until Congress acts honorably and responsibly, in behalf of its voteless and voiceless wards."

(Mr. Arria, Venezuela)

There is no doubt that many United States legislators are making efforts in that direction and encountering what Senator Daniel Patrick Moynihan of New York, former Permanent Representative of the United States to this Organization, described in the Congress of the United States:

"The decision of the Senate committee to block the Puerto Rican plebiscite was the most shameful, negative exhibition I have seen in 15 years in the Senate. ... I would like people in Puerto Rico to hear me say that this matter is not finished; the conscience of the Senate has not yet been awakened and has not yet spoken. I cannot believe we will not give them the right of self-determination, a right called for by President after President and a right on which we have made a commitment before the world and before the United Nations. To deny Puerto Rico that right would be disastrous and would compromise the honour of the Congress. Silence gives consent. Our silence would mean that we agree to the denial of a right which we have said for decades is inalienably possessed by the citizens of Puerto Rico."

Those citations from the President of the United States, The New York Times and Senator Moynihan put the issue of Puerto Rico where it belongs: before the United States Congress, without whose diligence and decision-making Puerto Rico will never be able to exercise the right that President Eisenhower addressed in the United Nations, through Ambassador Henry Cabot Lodge, in this way:

"Whenever the Puerto Rican Assembly adopts a decision in favour of more or complete independence, that decision will immediately be recommended to Congress for endorsement".

(Mr. Arria, Venezuela)

At the time of the adoption of the draft Puerto Rican constitution in July 1952, President Truman said:

"This demonstrates that we are devoted to the principle of self-determination and the ideals of freedom and democracy".

The debate must now be dealt with by the United States Congress. The international community has the obligation and the responsibility respectfully to urge that Congress give priority to legislation for a Puerto Rican plebiscite. This would be consistent with the prestige universally enjoyed by United States democracy, which is unable in this case to crown Puerto Rico's aspirations with success. I venture to suggest that the discussions and resolutions of this Committee ought to take account of considerations put forward by Mrs. Lakshmi N. Menon, Permanent Representative of India, during the consideration of the question of Puerto Rico on 13 September 1953:

"We cannot overlook certain aspects of the status of Puerto Rico. But if the Territory is not assimilated as a state, it has left the way open for future detachment from the Union, even though there is no explicit constitutional guarantee on the subject".

We in Venezuela know that Puerto Rico has been under a legal structure linking it to the United States but that that arrangement has not deprived it of the ability to exist as a people with its own identity. The decision to make Spanish the official language reaffirms and underscores the range of action available to Puerto Rican authorities, who are freely and democratically elected. We know that self-government is becoming a tradition in Puerto Rico, which also increases its participation in many international events and bodies.

Quite apart from the island's present or future political status, Puerto Ricans are and always will be a Caribbean people and a people of Latin America.

(Mr. Arria, Venezuela)

I have spoken at some length in introducing the draft resolution because we are convinced that circumstances are favourable and that opportunities for action exist, so that 40 years after adoption of the Puerto Rican constitution the people of Puerto Rico may freely ratify, modify or change its political course.

(Mr. Arria, Venezuela)

Strong support for this Venezuelan initiative, which seeks to take account of the realities of the new situation, would undoubtedly represent a weighty and authoritative message. It would be the best way to demonstrate our support for the rights of the Puerto Rican people.

The CHAIRMAN: The Committee will now resume its hearings on this item.

At the invitation of the Chairman, Mr. Rafael Cancel Miranda (Comité Unitario Contra la Represión y por la Defensa de los Presos Políticos) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Cancel Miranda.

Mr. CANCEL MIRANDA (interpretation from Spanish): My name is Rafael Cancel Miranda, and I represent the Comité Unitario Contra la Represión y por la Defensa de los Presos Políticos (CUCRE). I am a Puerto Rican, and a Puerto Rican only, and I reject the imposition of United States citizenship. I do not accept the attempts to deprive my people of its legitimacy.

For 11 years my committee has dedicated itself in Puerto Rico to denouncing and fighting repression and struggling for the rights and the release of our political prisoners and prisoners of war.

As we have shown in the past, we come from a country where political consensus was put in place after the persecution, harassment, incarceration, killing and/or exile of men and women who struggled with indomitable will against colonialism. We come from a Latin American and Caribbean nation which, as a result of its resistance, determination and the freedom struggle, has earned the entitlement to respect and guarantees for its right to self-determination and independence, its right to see its heroic fighters freed and its right to an end of all repression and hostility against it. I

(Mr. Cancel Miranda)

ask your indulgence for my difficulties in reading my statement; my eyesight has been damaged through problems that developed in United States prisons.

From Puerto Rico, which still has not been liberated but has a strong fighting spirit, we return to this Committee today to recall in the spirit of Bolivar, Marti and Albizu Campos that the course of our political destiny is intimately linked to the credibility, prestige and effectiveness of the Committee. That is especially true for the Latin American countries represented here, because Puerto Rico continues to be the litmus test that enables us to measure their true independence of the United States of America. The Bolivar agenda, so honourably resumed at Guadalajara, a place famous in the quest for Mexico's independence, is a frame of reference for the better protection of the interests of our Americas in the context of a new international order. That new order will be severely flawed if it does not take into account the 1827 words of the Liberator, Simon Bolivar:

"Without the independence of Cuba and Puerto Rico the independence of Latin America can never be fully guaranteed".

In that framework and in the framework of a broader opposition to the policy of annihilation and enslavement in our continent, we feel that the planned celebration of 500 years of Hispanic presence in the Americas at a time when United States prisons are filled with Puerto Rican political prisoners and prisoners of war would be an affront to all the heroes and martyrs of Latin America, an inconceivable, shameful act.

For the other nations represented here, the question of Puerto Rico is a crucial test of their respect for the sovereignty of their own peoples and for the very provisions and principles of General Assembly resolution 1514 (XV)

(Mr. Cancel Miranda)

and subsequent resolutions. For that reason and because the dignity of our Latin American countries is at stake, we know that in the new international situation this Committee will have to shoulder its responsibilities, just as we are resolved to struggle with greater determination and boldness.

As the Cuban apostle of freedom, Jose Marti, said, "A just principle enunciated from the depths of a cave has more power than an army". That has been demonstrated beyond the shadow of a doubt by the constellation of Puerto Rican political prisoners and prisoners of war who have turned the imperial prisons into strategic trenches in the struggle for the rebirth of our homeland. And we wish to stress today that the United States continues to keep 18 of our compatriots in prisons throughout its vast territory.

Those men and women, most of whom are anti-colonialist fighters and independence activists, are sent to the places farthest away from their families and communities or are subjected to the doubly cruel and illegal punishment of exile. For those comrades, prison becomes a combination of forces in which the Government not only criminalizes our struggle but also imposes illegal and disproportionate sentences as it tries out new forms of torture and oppression to break their physical and emotional health. I myself have had my jaw dislocated by the kicks of the police in United States prisons.

In that sense, United States prisons have become a basic weapon to deter political action by means of exemplary punishment. Those 18 men and women have been subjected to physical and sexual attacks; they have been denied medical and hospital treatment; they are being isolated within the prison itself; they are being denied permission to visit family members lying in a coma and denied the sacred right to attend family funerals. In a word, they are denied basic human rights and the minimal living conditions established by

(Mr. Cancel Miranda)

the international community, conditions the United States likes so much to demand of other countries but which the United States itself shamelessly tramples underfoot where Puerto Ricans are concerned.

That continues to be the fate of our prisoners of war: Edwin Cortes, Elizam Escobar, Ricardo Jimenez, Oscar Lopez Rivera, Aldolfo Matos, Dylcia Pagan, Alberto Rodriguez, Alicia Rodriguez, Ida Luz Rodriguez, Luis Rosa, Alejandrina Torres, Carlos Alberto Torres and Carmen Valentin.

Those measures, which violate the dignity and integrity of the human person and every principle of international law, are also being used against our political prisoners: Haydee Beltran, Antonio Camacho Negron, Juan Segarra Palmer, Norman Ramirez Talaveras and Roberto Jose Maldonado.

It is to such atrocities, being committed daily against our comrades, that they are now attempting illegally to condemn those accused in the 30 August case: Elias Castro, Jorge Farinacci, Ivonne Melendez, Isaac Camacho, Hilton Fernandez Diamante and Orlando Gonzalez Claudio.

Similar treatment may be expected, in the event of capture, for Filiberto Ojeda Rios, Luis Colon Osorio, Norberto Gonzalez Claudio, Victor Gerena, Avelino Gonzalez Claudio, Luis Rosado Ayala and Roberto Jose Todd.

With deep respect for all those comrades, our organization has joined with dozens of other organizations inside and outside Puerto Rico to carry on a vigorous campaign to free them all by the end of 1992.

(Mr. Cancel Miranda)

We should point out that while what has been described so far is happening in United States prisons, in the streets of Puerto Rico new names are being added to the list of more than 135,000 Puerto Ricans about whom the colonial regime has built up a gigantic and illegal file. It was publicly admitted scarcely three weeks ago that this pernicious practice, designed to deprive pro-independence people of employment, economic opportunity and chances to study, as well as to subject them to surveillance and harassment, is still going on.

The PRESIDENT: You have used up your time. You may have one more minute to finish.

(Mr. Cancel Miranda)

The shock of daily violence makes us lose track of the seriousness and the real causes of our misery. But we are able to make the following requests of this Committee:

First, it should adopt a resolution recognizing the inalienable right of the Puerto Rican people to self-determination and independence.

Secondly, it should be more specific about the unconditional release of our combatants and demand the immediate release of our patriots from prison on the basis of the Geneva Conventions, General Assembly resolutions 1514 (XV) and 3103 (XXVIII) and other resolutions condemning the crime of colonialism.

Thirdly, in conformity with international law, the illegal prosecution of those accused in the Hartford case - the 30 August case - must be halted.

Fourthly, all charges against all our compatriots who have had to protect their lives and their right to struggle in exile and in secret must be dismissed.

And fifthly, all repressive action on Puerto Rican soil by the colonial regime and the metropolitan Power must cease immediately.

Mr. Cancel Miranda withdrew.

At the invitation of the Chairman, Ms. Zaida Hernandez Torres (Partido Nuevo Progresista) took a place at the Committee table.

The CHAIRMAN: I call on Ms. Hernandez Torres.

Ms. HERNANDEZ TORRES (interpretation from Spanish): I appeared here last year as official representative of the Partido Nuevo Progresista, and I could not miss the opportunity to return this year and contribute to the Committee's discussion on the serious question of the urgent need to solve the colonial problem afflicting Puerto Rico.

(Ms. Hernandez Torres)

For reference, I have appended to the printed text of my statement a document I prepared containing a summary of historical, legal and constitutional facts which unequivocally confirm that the Commonwealth of Puerto Rico is a colony subordinate to the sovereignty and absolute power of the United States Congress by virtue of the federal Constitution's territorial clause. The document also confirms that the so-called bilateral pact supposedly adopted in 1952 by the United States and Puerto Rico and including the adoption of a local constitution is a fraud that misled the General Assembly into adopting resolution 748 (VIII). That resolution had the effect of exempting the United States from the requirement of providing annual reports to the United Nations on the situation in Puerto Rico.

Last year I ended my statement by urging the Committee to be vigilant and condemn those who could derail the decolonization process and the Puerto Ricans' prompt exercise of self-determination. That appeal was based on the fact that the United States Congress and Puerto Rico's three main political parties had in 1989 begun a process intended to lead to the adoption of a Federal law authorizing a plebiscite.

In the midst of that process, all independent polls confirmed that statehood would win a 1991 plebiscite. Unfortunately, however, the plebiscite was thwarted, for the following reasons:

First, the leadership of the People's Democratic Party made its participation conditional on the acceptance of constitutionally and legally absurd redefinitions for Commonwealth status, with a view to disguising the territorial nature of that status. In fact, the sabotage reached such a point that Ron de Lugo, Chairman of the House Subcommittee on Interior and Insular Affairs, had to reprimand the party leadership publicly.

(Ms. Hernandez Torres)

Secondly, major economic interests, represented in Puerto Rico by a number of multimillionaire multinational corporations enjoying privileges in the form of federal and state tax exemptions under section 936 of the federal tax code and a local law adopted in 1987 through the People's Party's legislative majority, placed their vast human and economic resources at the disposal of that party's leadership for an intense lobbying campaign of sabotage in Congress.

Thirdly, ultraconservative factions in the United States Senate took advantage of the sabotage carried on by the People's Party and some section-936 businesses to hobble the process.

And fourthly, elements in the Senate more interested in their partisan and personal interests than in democracy and the right of the United States citizens of Puerto Rico to self-determination helped scuttle the plebiscite.

Those four factors are in reality the main reasons why the plebiscite process did not take place.

Why is it that for four decades the colonialist leadership has persisted in proposing changes in the Commonwealth that are unconstitutional and illegal and that in no way exclude Puerto Rico from the colonial scope of the territorial clause? Simply because they know that the only way to exclude the Commonwealth from the territorial clause is through free association. They are afraid to move from Commonwealth to free association because, even though they want it and it is their only alternative, they know that Puerto Ricans would overwhelmingly reject that option. That is why the People's Party is not appearing here; by staying away, it is seeking to evade international law and General Assembly resolution 1541 (XV), whose principle VI recognizes as valid forms of decolonization only statehood, free association and independence.

(Ms. Hernandez Torres)

Given that legal framework, the colonial leadership cannot come here and pretend that Commonwealth status is not colonial, and therefore they remain in Puerto Rico attempting to confuse Puerto Ricans. You should invite them here to confront the shameful colonial status they are promoting in Puerto Rico by deceit and by postponing a resolution of the question of political status.

The last time the People's Party appeared here was in 1978, when its chief, the present Governor Rafael Hernandez Colon, came to support a draft resolution sponsored by Cuba and Iraq calling on the United States to transfer power to Puerto Rico prior to any plebiscite on political status. The provisions of that draft resolution were rejected overwhelmingly by the people of Puerto Rico.

After the failure of the decolonizing process initiated by Congress and the political parties in 1989, the People's Party - which today is the government party - decided to start its own game. On 17 November 1990 the general council of the People's Party adopted a resolution saying that any new definition of Commonwealth status would have to meet the indispensable requirement for decolonization, namely exempting the new formula from the territorial clause.

Later the chairman of that party, the present Governor, announced the appointment of a committee of 12 members of his party who would have the task of submitting a report containing the recommendations for redefining the Commonwealth within the legal and constitutional parameters of the resolution that had been adopted.

But once again the colonial leadership postponed the solution of the political status of Puerto Rico and the redefinition that would exempt the Commonwealth from the territorial clause.

(Ms. Hernandez Torres)

After four months of work, on 2 August 1991 that committee of the People's Party submitted a four-page report, but the report made no reference to the redefinition of Commonwealth status in keeping with decolonization, which was its main mission. In its four pages, the report proposes only the following four amendments to the Puerto Rican constitution: to guarantee United States citizenship for Puerto Ricans under any political status; to guarantee that Congress would not make unilateral changes in the political status of Puerto Rico; to guarantee inclusion of the three formulas of statehood, independence and Commonwealth status in any plebiscite on status; and to guarantee cultural identity.

By proposing constitutional guarantees for those concepts, the colonialist leadership unintentionally contradicted the deceptive framework on the basis of which it has defended Commonwealth status for decades. When something has been admitted by one side, there is no need to present further evidence.

Each and every one of the proposed amendments is totally unnecessary from the legal and constitutional point of view.

The CHAIRMAN: You have gone beyond the time-limit. Would you kindly conclude your statement in one minute?

Ms. HERNANDEZ TORRES (interpretation from Spanish): I shall continue.

In our opinion it is vital that this Committee of the General Assembly should take a clear and unequivocal position. Year after year, it has adopted resolutions which fundamentally reiterate what was adopted in the 1978 resolution: the inalienable right of Puerto Rico to independence and self-determination. I believe that the Committee has fallen short in carrying out its decolonizing function. For example, the United States knows that Puerto Ricans have the right to independence and self-determination, but 95 per cent of Puerto Ricans do not want independence. What we want is self-determination, and the Special Committee has not completed the steps that promote this process of self-determination.

This year, please do not adopt another resolution that will merely repeat what has been amply said already. Do not concentrate your efforts on resolutions limited to promoting an independence that Puerto Ricans do not want. This year, please concentrate your efforts on adopting a resolution that, first of all, will produce a viable process of self-determination for Puerto Ricans and, secondly, will include all the decolonizing formulas: statehood, independence and free association.

At this historic time, so important for the elimination of colonialism as one of the scourges of mankind, we advocates of statehood, call on the United Nations to do the following:

First, the Committee should recommend the General Assembly to declare null and void its resolution 748 (VIII) with a view to restoring the obligation of the United States to submit reports to the Secretary-General on

(Ms. Hernandez Torres)

the colonial or territorial status of Puerto Rico, as provided in Article 73 e of the Charter of the United Nations.

Secondly, the Committee and the General Assembly should recognize that application of the powers and sovereignty exercised by Congress over the Commonwealth by virtue of the territorial clause of the federal Constitution confirms that between Puerto Rico and the United States there has never been a bilateral pact, as required under international law.

Thirdly, in any resolution emanating from the Special Committee on the colonial case of Puerto Rico statehood should be recognized as a decolonization solution for the United States citizens of Puerto Rico if that is the majority will of our electors, in conformity with principle VI of resolution 1541 (XV).

Fourthly, the Committee should not rest content to conclude this annual pilgrimage of Puerto Ricans with the adoption of incomplete resolutions that do nothing to promote the solution of the colonial problem of Puerto Rico, evading the taking of basic decisions of the kind we are now demanding.

Ms. Hernandez Torres withdrew.

At the invitation of the Chairman, Mr. Oreste Ramos (Organización Estadistas de San Juan) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Ramos. I am sorry but I must once again make the request that he and following petitioners should comply strictly with the seven-minute time-limit.

Mr. RAMOS (interpretation from Spanish): I shall skip some parts and try to keep within the time-limit.

My name is Oreste Ramos. I am a member of the Puerto Rican Senate.

It is clear from earlier statements that, under the Treaty of Paris, the status of Puerto Rico has been a colonial status since 1898. Of course the

(Mr. Ramos)

Treaty of Paris had to say what it says when it gave Congress complete and absolute power of decision over Puerto Rico, because the territorial clause, which is as old as the Republic, says exactly the same thing. Consequently, when the new Territory of Puerto Rico was acquired by virtue of the Treaty, the provisions of the territorial clause had to be reproduced in that Treaty.

The decisions taken by the United States Supreme Court immediately before the adoption of the Treaty of Paris in the cases of First National Bank vs. County of Yankton and Murphy vs. Rampsey, of 1876 and 1887 respectively, made it clear that any area under United States jurisdiction but not part of the Union was governed by Congress or in the name of and under the authority of Congress, and similar decisions were taken in many cases, so-called insular cases, beginning with the case of De Lima vs. Bidwell in 1901 and ending with the case of Balzac vs Puerto Rico in 1922.

I have heard some of the earlier speakers here today refer to the admissions made by Attorney General Thornburgh before Congress in the plebiscite process with regard to Puerto Rico, to the effect that Puerto Rico is a colonial territory of the United States, since the territorial clause is simply a colonial clause of the United States Constitution, adopted in order to govern the colonies being acquired in the West.

There was no option but to do it in this way because the United States is governed by a Constitution and its Government's powers are limited by the Constitution. This being the case, it was quite clear that when Public Law 600, which made possible the adoption of our constitution, was adopted through Senate Bill 3336 of 1950, the status of Puerto Rico was not changed and that if we had been a colony or a Territory, before 1952, we continued to be a colony or a Territory after 1952 as well.

(Mr. Ramos)

The Congressional Record should have been produced before the United Nations to make it clear that Puerto Rico's status had not changed after the adoption of General Assembly resolution 748 (VIII). All the reports of all the committees, all the legislative reports of Congress when the constitution of Puerto Rico was adopted quoted verbatim from the statement of Secretary of the Interior Oscar Chapman, who said:

"We are going to make it perfectly clear when we adopt Bill 3336 ... the powers conferred on Congress in accordance with the Treaty of Paris will remain unchanged as it is now."

As earlier speakers have said, as recently as 1980 the United States admitted that Puerto Rico was a colony, as was made evident through the Supreme Court in the case of Harris vs. Santiago in 1980 and, more recently, in the opinion of the Congressional Research Service of the Library of Congress, adopted by the Senate Committee on Energy and Natural Resources, when the Senate considered Bill SB-713, which stated that United States citizenship for Puerto Ricans was a legislative and not a constitutional matter and was therefore covered by the territorial or colonial clause.

Similarly, the 1991 report 91/18 of the General Accounting Office stated that Puerto Rico continued to be subject to the territorial clause. That is why Attorney General Thornburgh's opinions had to be what I have cited here.

What all this amounts to is that we in Puerto Rico lack the fundamental human right of suffrage. Therefore there is no democracy in Puerto Rico because we lack the basic right which all inhabitants of democratic countries have.

We became part of the United States through military occupation, and we still do not have those rights the quest for which has radically changed the world during the past two years.

(Mr. Ramos)

In view of all this, we believe that, first of all, the official position of the United States in this forum asserting that the problem of Puerto Rico is strictly a domestic matter for the United States, is now untenable.

If a relationship arises from a military annexation and from an international treaty such as the Treaty of Paris, it cannot be a domestic matter. If the colonial relationship has been acknowledged by agencies of the colonial Power, it cannot be a domestic matter.

The Bush Administration rejected the domestic-matter argument in the case of Iraq and Kuwait. A war was fought as a result, and the United Nations took part in that war. Not only the argument that the crisis was a domestic matter for one country but even the argument that it was a domestic matter for the Arab countries was rejected. The President of the United States took the same position with regard to the Baltic States. If Latvia, Lithuania and Estonia are not a domestic matter for the Soviet Union ---

The CHAIRMAN: I call on the representative of Iraq on a point of order.

Mr. KADRAT (Iraq) (interpretation from Arabic): Mr. Chairman, I would ask you to request the speaker not to discuss this subject, which has no relation to the item under consideration in this Committee, nor any relation whatsoever to the speaker. The situation between Iraq and Kuwait has now been settled; resolutions have been adopted thereon; Iraq has abided by those resolutions. Furthermore, the Security Council continues to impose an embargo on Iraq in the name of democracy and freedom.

It would be worthy of the petitioner to mention what he fears mentioning. He should mention Israel, which continues to occupy Arab lands, to flout all resolutions adopted by the United Nations and the international community, and refuses to return the land to its original Palestinian owners.

The CHAIRMAN: Inasmuch as matters relating to Iraq and Kuwait are not included in the items allocated to this Committee by the General Assembly, I would request the petitioner to continue his statement, bearing that in mind. Moreover, I would add that he has but one minute to conclude his statement.

Mr. RAMOS: Yes, Mr. Chairman. I was referring to the Administration's position, not to the issue itself. The Administration has taken the position that the Palestine issue is not an internal issue of Israel. (continued in Spanish)

So it would be a contradiction to say that the question of Puerto Rico is a domestic matter.

Our recommendation is that it should be made known to the President and the Congress of the United States that any decision that may be taken on this matter, either by Congress or by the Puerto Rican legislature, should include only options that are clearly non-colonial - statehood, independence or free association, in accordance with the pertinent resolutions that have already been mentioned. Free association must meet the four requirements included in the documents that interpret resolution 1541 (XV), and especially the document relating to unilateral secession without a super-majority, so that Puerto Rico should be able to cut off ties with the United States unilaterally once free association has been put into effect, and no requirement other than these should be included.

It should also be made clear to the people of Puerto Rico that, as a consequence of the constitutional Government of the United States, the only way in which free association between Puerto Rico and the United States can be implemented is through the prior renunciation by Congress of all its powers over Puerto Rico, followed by a two-thirds vote by the Senate ratifying the

(Mr. Ramos)

treaty of free association between the sovereign entity of Puerto Rico and the United States. This is something that the people must know and it must be stated on the ballot paper. Otherwise the vote would fail to comply with one of the guiding principles of General Assembly resolution 1541 (XV), which establishes that the decsion must be taken with full knowledge of the situation.

We believe that the Puerto Rican government is trying to promote acceptance of the idea that the United States Congress has partially renounced its sovereignty over Puerto Rico, that it retains only some residual powers under the territorial clause. This is absolutely untrue, since there are only two possibilities: either Puerto Rico is subject to the territorial clause or it is not.

In conclusion, we urge that when the Committee takes a decision, it should provide that any plebiscite or referendum, whether one sponsored by Congress or one sponsored by the Puerto Rican legislature, which would require approval by Congress, the voters must be asked whether they want statehood or not, whether they want independence or not and whether they want free association or not; the choice must be made between these final formulas. And if the single final formula is neither statehood nor independence but free association, it must be genuine free association - the "associated republic", as they call it in the streets of Puerto Rico - not a watered-down and disguised formula that attempts to sanctify and elevate to the level of decolonization a colonial formula obtained by seizing upon the loose threads that may remain of General Assembly resolution 748 (VIII), which, in our view, was a fraud perpetrated upon the whole world because even though its serial

(Mr. Ramos)

number is higher than that of resolution 742 (VIII), it was in fact adopted earlier than that resolution.

Mr. Ramos withdrew.

At the invitation of the Chairman, Mr. Rolando A. Silva (Estado Libre Asociado de Puerto Rico) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Silva.

Mr. SILVA (interpretation from Spanish): My name is Rolando Silva. I am a Puerto Rican, a United States citizen, an attorney, a member of the Senate of Puerto Rico representing the capital city of San Juan, a former captain in the United States Army and a member of the Democratic Party of the United States, in which I have held posts at the national level. In addition, I am an advocate of statehood, and I am, above all, an anti-colonialist.

First I should like to acknowledge the laudable work this Committee has done over the years to achieve the decolonization of peoples. I should also like to express my thanks for the notable attention this body has given for decades to the specific problem of Puerto Rico.

Next year the entire world, and in particular the peoples of our hemisphere, will be celebrating the quincentenary of the discovery of America. In addition to this, one year later, on 19 November 1993, 500 years will have elapsed since the discovery of our island of San Juan Bautista de Puerto Rico.

For all the peoples of the world the observance of that five-hundredth anniversary will be an occasion of great joy, celebrations and festivals. For us Puerto Ricans, these dates that we are approaching represent only shame, sadness and frustration. Indeed, we Puerto Ricans have absolutely nothing to celebrate in 1992, let alone in 1993, because the 500 years of our history

(Mr. Silva)

have been 500 years of colonialism and oppression. Being the oldest colony in the Western Hemisphere is a distinction in which we Puerto Ricans take no pride whatever.

(Mr. Silva)

Recently, without consulting the people of Puerto Rico, the colonialist government of the Partido Popular Democrático of Puerto Rico approved a law eliminating English as one of the two official languages of Puerto Rico, and three days later, Spain conferred the Principe de Asturias award on the Governor, Mr. Hernandez Colon, in a concerted gesture intended to praise and legitimize the purposes of that law, which is harmful to our economic development and closes United States doors to our future claims to statehood. The purpose of all this is to convince Puerto Ricans and the peoples of the world that our Spanish language and our culture are better protected under the colony than under statehood.

For that reason, speaking in this forum, we condemn in advance the celebration in Puerto Rico of the five-hundredth anniversary of the discovery of America, which will serve solely to conceal the colonial nature of our relationship with the United States.

Even more dangerous than the foregoing are the recent colonialist plans to amend the constitution of Puerto Rico, which is one more attempt to disguise colonialism in our island. No amendment to the Puerto Rican constitution is binding on the United States Congress, which ultimately retains its unilateral authority to take decisions about Puerto Rico and impose whatever plebiscite process best suits its own interests, or none at all if it so desires.

The problem of Puerto Rico is colonialism. The only possible solution to the colonial problem of Puerto Rico is statehood, because independence - a noble and worthy destiny for any people - has been overwhelmingly rejected by Puerto Ricans in every consultation ever held. Statehood, however, is the only political movement that has grown over the last four decades and has

(Mr. Silva)

occupied the governmental administration for three four-year terms. Statehood offers an opportunity to resolve the problem of the colony's lack of political power through our full - and I emphasize "full" - participation at the centres of power in the metropolitan country and through equal citizenship for Puerto Ricans when our island becomes the fifty-first state of the United States. Statehood is the only feasible alternative that can resolve the situation of colonialism in our island.

However, I have not come here to ask for statehood for Puerto Rico. The promotion of statehood at the appropriate time will be my responsibility in Puerto Rico. I am here to request this Committee on decolonization and the United Nations to exercise their considerable influence on the United States Government, and in particular on the Senate, so that we Puerto Ricans may have the opportunity to express freely our views about our political future. What we are asking for is the opportunity to exercise the right of self-determination.

The principle of self-determination for Puerto Ricans concerning our final political status has been fully supported from 1953 to the present day by every President of the United States. President Bush, in particular, has shown great interest in this matter; he included the subject in his State of the Union message to Congress in 1989 and has unequivocally supported the process since then.

Nevertheless, some sectors of Congress have not given the matter the importance it deserves, and the bill authorizing a plebiscite in Puerto Rico was killed by the full Senate.

What is even worse, the Senate Finance Committee substantially amended Senate bill 712, which would have been an acceptable bill, in order to deprive

(Mr. Silva)

Puerto Ricans of equal treatment in federal programmes even under statehood and to delay the process for five years. The pretext of fiscal or budgetary neutrality was used to recommend that federal programmes for the handicapped, the blind, the ageing, the medically poor and others should not give residents of Puerto Rico treatment equal to that accorded to residents of the 50 states of the Union. Great economic interests enjoying federal and local tax exemptions under the present status of political inferiority in the Commonwealth lobbied Congress to keep their tax privileges while the right of the poor to equal treatment in federal programmes under statehood was being denied.

Today we must vigorously reject the conduct of a small but powerful group of members of the United States Congress who, disregarding Puerto Ricans' claim to equality and disregarding the statements of President Bush himself, violated the principle of self-determination by trying to impose burdensome, unfair and discriminatory conditions on United States citizens in Puerto Rico not only under the present political status but under statehood as well. Budgetary or fiscal neutrality cannot be allowed to serve as a pretext for violating the civil and human rights of Puerto Ricans in an attempt to prolong their discriminatory treatment as second-class citizens of the United States.

The problem of Puerto Rico is a problem of fundamental civil rights. Denying civil rights to the United States citizens of Puerto Rico on purely economic grounds is intolerable. If President Abraham Lincoln had considered the economic impact of freeing the black slaves 126 years ago, perhaps we might still have slaves in the United States today.

(Mr. Silva)

We who advocate Puerto Rican self-determination - and, I should point out, we include adherents of every political ideology - went first to the Congress of the United States because it was our understanding that our desire to decolonize Puerto Rico, as a domestic matter of the United States, could be achieved in that forum.

Unfortunately the United States Senate closed the door in our faces, and that is why I am here before you today.

We are, however, deeply grateful to Congressman Jose Serrano of New York and to the United States House of Representatives, which, with dedication, enthusiasm and energy, unanimously approved a bill that could have led to the holding of the long-awaited Puerto Rican plebiscite, but was frustrated by the distorted priorities of the Budget Committee of the United States Senate.

If this Special Committee wants to do something truly effective to resolve the colonial problem of Puerto Rico and not merely indulge in one more exercise in futility, as it has done in the past, I urge it to recommend the General Assembly to rescind its resolution 748 (VIII) and thereby require the United States to submit annual reports to the Secretary-General on conditions in Puerto Rico. I assure the Committee that if it does this, we shall succeed in getting the United States to give us the opportunity for self-determination that we seek.

It is clear what Puerto Rico is. Puerto Rico is a colony of the United States, and the time for talking about our political relationship with the United States has passed. It is time to act, and to act now. The most effective action this Committee can take will be to exert its influence to ensure that the United States Congress recognizes Puerto Ricans' right to

(Mr. Silva)

self-determination through the holding of a plebiscite consultation, and that consultation should be held now.

Mr. Silva withdrew.

At the invitation of the Chairman, Mr. William Kunstler (National Lawyers Guild) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Kunstler. I invite him to be more flexible in making his statement as short as possible.

Mr. KUNSTLER: My name is William Kunstler. I have come here accompanied by my colleague, Michael Deutch, who in years past has appeared before this Committee.

I appreciate this opportunity to follow in the footsteps of those who have preceded me over the years on behalf of the Puerto Rico Sub-Committee of the National Lawyers Guild. As members of an organization of progressive lawyers, law students, paralegals and legal workers, I and those who have appeared here in the past have long been associated with the defence, both in and out of the courtroom, of those island patriots and their supporters who have been willing to jeopardize their liberty and their lives to attain that most prized and precious of human goals - national self-determination.

(Mr. Kunstler)

The case of Puerto Rico deserves the Committee's special attention because the United States, in its determination to retain this Caribbean colony, has been more than willing to stoop to any indecency to do so. Massacres, murders, unjust prosecutions, overt and covert harassment, perennial surveillance and a myriad of other equally vile tactics have been utilized to make the struggle for independence a most perilous one. Yet, despite the dangers involved, miraculously, there are those who have always been willing to risk their all in that struggle.

Those who have preceded me at this table have fully documented the sins of the colonial Government that sits in Washington and is determined to retain absolute control over what the Madison Avenue hucksters have denominated "the shining star of the Caribbean". It would serve no useful purpose to reiterate the shocking examples of the criminalization of the independence movement, the barbarities perpetrated in the streets of Ponce and elsewhere, the draconian sentences meted out to those patriots singled out for prosecution and the horrendous prison conditions to which they are subjected, and the chronic programmes of discreditation of those leaders who manage to escape the clutches of the oppressor's law or its paid assassins. The evidence is clear and convincing; the hour for decisive action by the international community is now at high noon.

For the past 14 years this Committee has reaffirmed the right of the people of Puerto Rico to self-determination and has repeatedly called upon the United States to cease all interference with the free and full exercise of that right. The United States not only has refused to fulfil that mandate but also has used all its coercive powers to prevent the General Assembly from considering the island's case. Moreover, this country refused to

(Mr. Kunstler)

participate in the 1989 Permanent Peoples' Tribunal on Puerto Rico in Barcelona, which, among other things, reiterated the right of Puerto Rico and its people

> "to freely determine their political, economic, social and cultural condition in accordance with the principles of international law".

The United Nations has been quick to condemn Iraq for its invasion of Kuwait. Yet there is no corresponding outrage at what has gone on, and still goes on, to keep Puerto Rico a United States colony. No matter how heinous United States conduct in that land has been, we wait in vain for high-sounding United Nations resolutions condemning it and calling for dramatic and immediate remedial action or the imposition of appropriate sanctions. We cannot understand why the sudden winds of freedom now blowing over most of the world are not allowed to circulate freely over San Juan, Ponce and Mayaguez. There seems to be one standard for Saddam Hussein and quite another for Bush and Company.

In 1960 the General Assembly adopted resolution 1514 (XV), which called for a

> "speedy and unconditional end [to] colonialism in all its forms and manifestations." (General Assembly resolution 1514 (XV), twelfth preambular paragraph)

Ten years later, the preamble to resolution 2625 (XXV) affirmed that the principle of equal rights and self-determination of peoples constitutes a significant contribution to contemporary law and that its effective application is of paramount importance for the promotion of friendly relations among States. The Universal Declaration of the Rights of People - the Algiers Declaration - affirmed that the peoples of the world

(Mr. Kunstler)

"have an equal right to liberty, the right to free themselves from any foreign influence and to choose their own government [and] the right, if they are under subjection, to fight for their liberation."

After the 1932 island elections, Don Pedro Albizu Campos, the President of the Nationalist Party and the father of modern Puerto Rican independence, put it in another and possibly more direct way:

"Puerto Rico must create a grave crisis for the colonial administration in order that its demands be heard. What is needed is a rebel organization to make a clean break with the colonial regime and to request recognition of our independence from the free nations of the world."

A few months later he stated that

"nationalism is the only salvation, because it causes to be reborn in each of us the conscience of a free man, for whom human dignity is priceless and who cannot conceive why he should not have the right to direct the destinies of his children or his homeland."

On 9 February 1990, Nelson Mandela, who freely and proudly proclaimed his guilt of violent crimes against the apartheid State, was released, after more than a quarter of a century, from a South African prison. Today, some 18 Puerto Rican men and women are serving literal life sentences for their involvement in the struggle for independence. Despite the fact that both the 1949 Geneva Convention and subsequent General Assembly resolutions provide for prisoner-of-war status for people of that genre, they have not been accorded it at all.

Over the grim years, many Puerto Ricans have given their lives for the cause of self-determination. The murders, in the fall of 1935, of four

(Mr. Kunstler)

Nationalists en route to a student forum at the University of Puerto Rico, the cold-blooded execution three months later, in a police station, of a pair of youths accused in the killing of the head of the insular police, the 1937 Ponce massacre, which resulted in a score of deaths and hundreds of wounded Nationalist marchers, and the more recent assassinations of two young men at Cerro Maravilla furnish some indication of the frenzied determination of the yanqui overseers to hold on to "the shining star of the Caribbean".

Perhaps the best evidence of the official attitude towards the independentistas was a photograph taken of the Ponce march seconds before the authorities opened fire on what they later termed an army of liberation of ruffians and gangsters. The picture shows 18 policemen, armed with shotguns, revolvers and tear-gas bombs, standing in front of 80 young Nationalist cadets wearing black blouses and white trousers, 12 girls dressed in white as nurses and a six-piece brass band. Some 20 officers carrying Thompson submachine guns are assembled at the marchers' rear. One observer, after looking at the snapshot remarked:

> "I shall never forget the photograph of those cadets, standing quietly with their hands at their sides, waiting to be shot - defenceless - but not one of them running away."

Today, despite all efforts, covert or otherwise, to silence the voice of independence, it still persists. After the death of Albizu Campos on 21 April 1965, hastened by his incarceration in a United States prison, a journalist declared that

> "It would be an illusion to believe that Albizu's life had ended. It is just beginning. Albizu was the conscience of Puerto Rico. He knew no compromise, no surrender. He acted as he was: an unyielding, absolute

(Mr. Kunstler)

conscience. And a conscience is seen and heard, even when we look the other way and pretend to be deaf. The person who represents the conscience of a people can hardly hope to triumph. His mission is not to save himself but to save us all. In that self-sacrifice is his victory: the final triumph of the cause to which Albizu devoted his entire life."

That cause lives today, just as it did in the times of Albizu Campos, in the hearts and minds of a majority of the Puerto Rican people, whether or not they are free to articulate it. This world Organization, which has so forcefully expressed its hostility towards the invasion of that medieval fiefdom known as Kuwait by the troops of its northern neighbour, cannot, without being guilty of the rankest and cruelest hypocrisy, ignore a similar subjugation that has gone on for almost a century, ever since Puerto Rico was wrested from Spain as part of the spoils of war by the latter-day conquistadores of the United States. Listen, I beg you, in the name of fundamental decency and justice, to the perennial cry of the Puerto Rican people: "La patria es valor y sacrificio". Then do what you can to add another and most deserving nation to your roster of member countries.

Mr. Kunstler withdrew.

At the invitation of the Chairman, Ms. Jeanne E. Bishop (Brehon Law Society) took a place at the petitioners' table.

The CHAIRMAN: I now call on Ms. Bishop.

Ms. BISHOP (Brehon Law Society): My name is Jeanne Bishop. I represent the Brehon Law Society, and I thank you on its behalf for allowing us to speak again before the Committee. I am joined by my colleague Christopher Henry.

(Ms. Bishop)

The Brehon Law Society is an association of United States attorneys concerned with human rights, particularly those rights that have been and are being so severely abused in the north of Ireland. The comments I am going to make today are not entirely those I had prepared. Prior to the hearing, I was approached by two persons who asked me to remove all references to Ireland from my statement. I have endeavoured to do so out of my great respect for the Committee, although the sole purpose of those references was to explain that we are familiar with the effects of the occupation of a small nation by a larger, more powerful country and the denial, decade after decade, of that smaller nation's right to self-determination. We are here today solely to express our support for the Puerto Rican people, but we know the suffering of the people of Puerto Rico because we have seen it in Ireland. It is the same. And it comes from the same intransigent policies of Governments which refuse to release their ruthless grip on lands that are not their own.

In 1978 Puerto Rican officials met with security experts from Western countries at a secret conference in Puerto Rico. They discussed how to apply counterinsurgency methods tested in other countries to Puerto Rico. One of the recommendations that emerged from the conference was that the State should control the media so that

> "it would never be permitted to demonstrate the terrorist as an ordinary human".

Today I want to tell you the story of an ordinary human being, a mother whose children in Puerto Rico ended up in a United States prison. Josefina Rodriguez was born in Las Marias, Puerto Rico. She married, and she had three small children when her husband left for the United States, unable

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to find work in Puerto Rico. She joined him in Chicago in 1952 at the age of 21. Her daughter, Ida Luz, nicknamed Lucy, was three years old. Her daughter Alicia was not yet born. Today, both those daughters are serving sentences in excess of 85 years each in a United States prison in California, on charges including seditious conspiracy, which means conspiring to oppose by force the authority of the United States. Never mind that the founders of the United States were guilty of the same opposition with respect to America's colonial master, Britain.

Alicia was sentenced to an extra year in prison for contempt of court, after failing to show the proper respect to the United States judge who she believed should have no legal authority over her. Lucy has been in six different correctional facilities so far, including the Metropolitan Correctional Center in New York, a United States detention facility not too far from this building. We know that prison well. An Irishman, Joseph Doherty, is imprisoned there now and has been for eight years.

How did this happen? The Government would like us to believe that they are in prison because they are terrorists, monster criminals, not ordinary human beings. The truth is that they grew up knowing that their native land was forcibly taken and turned into a colony by a foreign aggressor. They knew that peaceful attempts to throw off that aggressor had been violently crushed. And they felt that they had an obligation to win freedom for their country at whatever cost to themselves.

The truth, indeed, is best illustrated by the fact that when Britain sent troops to Northern Ireland, the prison population there jumped from the lowest per capita in Western Europe to the highest and the youngest. People do not turn into criminals overnight. They become criminalized by the forces sent

(Ms. Bishop)

against them. So it is with the children of Josefina Rodriguez. Can anyone honestly believe that they ever would have seen the inside of a prison if not for the tragic colonization of their country? I don't. Not for one minute.

Years ago, during the bleakest days of South Africa's apartheid regime, Archbishop Desmond Tutu spoke at a church here in the United States. He stunned us by pronouncing, full of confidence, about apartheid opponents, "We have already won". Archbishop Tutu said that God has a special concern for the poor and oppressed and that any regime built on wrong, injustice and repression could not stand. The collapse of such a system, he said, was inevitable, and the only question remaining was how much more torture and death and sacrifice must occur before the arrival of that certain outcome.

The people of Puerto Rico, like the people of Ireland, will be free, because the Government that holds them captive does so wrongly. Puerto Rico and Ireland were both invaded by the countries that now control them. Their resistance to military occupation was crushed by force. The invaders jailed or killed dissenters. They deprived people of jobs, forcing thousands to emigrate. They spied on people who sought independence, and they devised ways to silence those people. They developed structures to give themselves a veto over legitimate self-determination. All wrong. All inevitably doomed to failure, not only by their own shaky foundations but also by the will of ordinary people to be free.

Listen to Alejandrina Torres, a Puerto Rican prisoner of war in the United States, whose conditions of confinement were so rightly condemned by Amnesty International:

"I will never surrender. I will never concede my will to struggle."

(Ms. Bishop)

Listen to Bernadette Devlin McAliskey, an Irish civil-rights activist who survived an assassination attempt:

"I am obsessed with liberty, with the notion of freedom. But I've moved beyond simply wanting it. I intend to have it."

If the outcome is inevitable, then we are left with Archbishop Tutu's question: how much longer must the suffering continue? How many more mothers like Josefina Rodriguez must see their children taken away in chains?

We respectfully ask the Committee to send a delegation to visit the prisoners of war and observe the conditions in which they are being held. We respectfully ask you to make the world aware that these prisoners exist and, more important, why they are prisoners. And we thank you for your efforts to find a solution so that mothers like Josefina Rodriguez can have reason to hope for the future.

Ms. Bishop withdrew.

At the invitation of the Chairman, Mr. Guillermo Zuñiga Lopez (Consejo de Estudiantes, Universidad de Puerto Rico) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Zuñiga Lopez.

Mr. ZUÑIGA LOPEZ (Consejo de Estudiantes, Universidad de Puerto Rico) (interpretation from Spanish): My name is Guillermo Zuñiga Lopez. I am a student at the University of Puerto Rico and President of the Student Council in the School of General Studies. I am appearing here today as President of that organization, as well as on behalf of the generations of voters who, like myself, have not been listened to on the political future of our homeland.

I am not here to defend any political option for Puerto Rico. For that purpose, we have a great number of organizations and parties that have

(Mr. Zuñiga Lopez)

appeared and will appear before you. Similarly, I do not expect this body to determine which political formula would be the most feasible for us; that decision will be taken by the Puerto Rican people at the proper time.

Before I took up my present office, I was Chairman of the Congreso Puertorriqueño de las Naciones Unidas, an organization that promotes the interest and participation of young people in the functions and principles of this Organization. These principles, which I have learned and have been able to apply, include justice and equal rights, as proclaimed in the Charter of the United Nations. They are the same principles that bring me before you today.

First, I am here to reaffirm something that so many organizations and parties have told this Committee for so long, namely, that Puerto Rico is indeed a colony. If we were not a colony, Congress would not be discussing the holding of a plebiscite in Puerto Rico and we would not be here today discussing our situation before the Committee on Decolonization.

It is our belief that this Organization was deceived when the General Assembly adopted resolution 748 (VIII), recognizing the "bilateral pact" concluded in 1952 between the United States and Puerto Rico. That pact was subordinated not only to the territorial clause of the Constitution of the United States but, even worse, to an act adopted by Congress in 1917 and known as the Jones Act.

(Mr. Zuñiga Lopez)

Moreover, the Congress has on numerous occasions recognized the subordination of Puerto Rico to the territorial clause, as demonstrated by the General Accounting Office (GAO) when it confirmed that the Commonwealth is a Territory of the United States.

Many Puerto Ricans believe that the United Nations is playing a crucial role in the decolonization of Puerto Rico. We also believe that the Organization should be much more emphatic and vigorous in its overtures to our fellow citizens in the United States Congress. And we believe that the next step this Organization should take to help Puerto Rico exercise its right to self-determination would be to rescind General Assembly resolution 748 (VIII) officially, once and for all, and declare both to the United States Congress and to the international community that Puerto Rico is one of the last colonies in the world.

I am confident that after that important step has been taken, the Congress and the political parties of our island will present to the people only such political formulas as are appropriate for our future, as laid down in General Assembly resolution 1541 (XV) of 1960, which, in its Principle VI, recognizes statehood, free association and independence as the only formulas for decolonization.

Before concluding my statement, I should like to thank this body for the interest and attention it has shown regarding this situation and point out that the future of 3.6 million Puerto Ricans and United States citizens is partly in its hands. I should also like to recall that 19 November 1993 will mark five hundred years since the discovery of Puerto Rico and, at the same time, 500 years of colonialism. Is it not high time for Puerto Rico to be able to decide its political future - or will we have to wait another 500 years.

Mr. Zuñiga Lopez withdrew.

At the invitation of the Chairman, Mr. Dwight Rodriguez Orta (Comité de Organizaciones Sindicales) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Rodriguez Orta.

Mr. RODRIGUEZ ORTA (Comité de Organizaciones Sindicales) (interpretation from Spanish): My name is Dwight Rodriguez Orta. I am the Acting Chairman of the Central Puertorriqueña de Trabajadores and Coordinator of the Comité de Organizaciones Sindicales. I am accompanied by Mr. Luis Carrión, a member of the directorate of the Federación del Trabajo de Puerto Rico, the parent organization of AFL-CIO unions in Puerto Rico, Mr. Ramon Nenadich, representing the Concilio General de Trabajadores (CGT), and Mr. Mario Roche, a labour lobbyist.

We are appearing before this body for the third consecutive year as representatives of the Comité de Organizaciones Sindicales (COS), a body that coordinates integrated action by the various sectors and trends within the Puerto Rican trade union movement. COS includes more than 600 unions with a total membership of over 150,000 workers in Puerto Rico. On behalf of those unionized workers and of the Puerto Rican working class as a whole, we are grateful for this opportunity to state the position of the Puerto Rican trade-union movement concerning the colonial situation of the Puerto Rican people and the pressing need to bring that situation to an end, as soon as possible, in conformity with General Assembly resolution 1514 (XV).

It was asserted that the colonial status of Puerto Rico was terminated in

(Mr. Rodriguez Orta)

1952, with the creation of the Commonwealth. The President of the United States so informed the General Assembly just before the Assembly adopted resolution 748 (VIII), declaring that Puerto Rico had ceased to be a United States colony.

Time has shown that the colonial relationship has continued unchanged, as was recognized by the Committee for the first time in 1972 and annually since 1978 with the adoption of resolutions supporting self-determination and independence for Puerto Rico and keeping the matter under study.

While that relationship of political, juridical and economic dependence on the United States has had and continues to have a profound and adverse effect on our life as a people at all levels and in all social groups, it is the working class, the majority of our people, that has been hardest hit by the consequences of the colonial experience. From its point of view, the colonial situation has also meant the unilateral imposition of the United States labour laws, known in Puerto Rico as the federal laws, including the anti-labour Taft-Hartley Act. That Act, repudiated by the United States labour movement and described as a failure and a betrayal of the United States worker by a subcommittee of the United States House of Representatives, has been the main obstacle to the development of the labour movement in Puerto Rico.

A similar role has been played by all United States institutions in Puerto Rico, in particular the so-called Federal Court, whose decisions continually violate the rights of workers and our collective interests, while protecting the interests of the United States complex operating in Puerto Rico. At the same time, the supposed action taken by President Bush and the United States Congress concerning the need to consult our people with a view

(Mr. Rodriguez Orta)

to their exercising their right to self-determination failed in February, after more than two years of work, when the plebiscite bill was defeated in the Senate Judiciary Committee, thus dismissing an issue of great importance for our people and a matter on which an appeal by the three major Puerto Rican parties was sent by letter to Congress. That historic consensus should have been treated more seriously by the United States Congress.

Moreover, the plebiscite legislation, which was discussed in various congressional committees, seemed designed to maintain among the options offered to Puerto Rico a so-called enhanced commonwealth with the same colonial character as before, and that legislation did not envisage any commitment on the part of the United States Congress to respect the will of our people.

Nevertheless, aware of the people's desire to free itself from its current situation of political subjugation, all local parties have recently taken steps to resolve this matter. Our position is that, in order to enable our people to express its will in a free and sovereign manner, the Government of the United States must transfer to Puerto Rico all the powers it now exercises. Only in that way will it be possible for Puerto Ricans to have true self-determination, free from the political, social, economic and psychological pressures which have had and continue to have a negative impact on their capacity for free decision-making. Only in that way can there be a genuine decolonizing process, in conformity with the requirements of international law.

The importance of United Nations participation in this process has been recognized and has been called for by two of the world's three international trade-union organizations.

(Mr. Rodriguez Orta)

On 4 July 1990 - United States Independence Day - the World Federation of Trade Unions issued a statement calling on the United States to make a prior transfer of power to the Puerto Rican people and calling for United Nations participation in the decolonization process. The World Confederation of Labour adopted the same position.

In the United States itself, the Labor Council for Latin American Advancement - affiliated with the AFL-CIO and having a membership of more than 1.2 million workers of Latin American origin living in the United States - adopted a resolution calling on the United States to accept United Nations intervention in the case of Puerto Rico, as it has done in the solution of other colonial problems.

I wish to inform the Committee of two positions adopted by the Movimiento Sindical Puertorriqueño. First, above and beyond our individual preferences with respect to the final solution of the colonial problem - independence, free association or statehood - the Spanish language is not negotiable. In fact, the Puerto Rican legislature recently adopted a bill declaring Spanish our official language.

Secondly, Puerto Rico has been the target of unilateral United States intervention since 1898, and we Puerto Ricans are a people artificially divided as a result of the massive emigration to the United States encouraged by both Governments. That exodus served and serves as a safety valve to reduce social pressures and also aids and abets the exploitation of cheap imported labour to fill the gaps that have appeared in the technological and industrial development of the United States. For that reason, our compatriots in the United States have every right to participate in the process of decolonization of our country.

(Mr. Rodriguez Orta)

I am grateful for this opportunity to address the Committee. I urge members to visit our homeland as part of the fulfilment of their important task, particularly this International Decade for the Eradication of Colonialism.

Mr. Rodriguez Orta withdrew.

At the invitation of the Chairman, Mr. Efrain E. Rivera Perez (Statehooders in Action) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Rivera Perez.

Mr. RIVERA PEREZ (interpretation from Spanish): I am Efrain E. Rivera Perez, a lawyer and university teacher in Mayaguez, Puerto Rico. It is an honour for me to appear here to state my position on the process of decolonization in Puerto Rico in the context of the Puerto Rican people's exercise of its right to self-determination. I speak on behalf of Statehooders in Action, founded by residents of Mayaguez.

The purpose of this presentation is to give the Committee a summary of our study entitled Puerto Rico: Three Roads to a Future, which contains a more detailed and extensive analysis of the matters presented here, as well as the points we stated before the Committee in 1988 and 1989.

This year we wish to begin with a question: Why is Puerto Rico considered internationally to be a colonial Territory? To answer it, we must read Principles I to V annexed to General Assembly resolution 1541 (XV). Principles I, II and III establish that Article 73 (e) of the Charter is applicable to Territories whose peoples have not yet attained a full measure of self-government and that it is the obligation of the administering country to transmit information on those Territories to the Secretary-General. Territories whose peoples have not attained a full measure of self-government are considered to be colonial Territories.

(Mr. Rivera Perez)

How do we determine whether a Territory is a colonial Territory? Principle IV states that prima facie there is an obligation to transmit information in respect of a Territory which is geographically separate and is distinct ethnically and/or culturally from the country administering it. Puerto Rico is geographically separate from the United States, the geopolitical entity which has directly or indirectly administered it since 1898. Puerto Rico is distinct ethnically and/or culturally from the administering country; the people of Puerto Rico is culturally homogeneous. The peoples of the states of the United States are culturally heterogeneous. The United States unquestionably has a prima facie obligation under Principle IV of resolution 1541 (XV) to transmit information on Puerto Rico.

Principle V states that once it has been established that such a prima facie case of geographical and ethnical or cultural distinctness exists, other elements, which may be of an administrative, political, juridical, economic or historical nature, may then be brought into consideration, if they affect the relationship between the metropolitan State and the Territory concerned in a manner which arbitrarily places the latter in a position or status of subordination. Since 1898, Puerto Rico has been under the sovereignty of the United States Congress. Puerto Rico is politically and juridically subordinate to Congress, and is economically dependent on the United States. That is made clear by history.

How can a colonial Territory without self-government emerge from that status and achieve a full measure of self-government? Principle VI of resolution 1541 (XV) sets out the paths to full self-government, with the three formulas that have been mentioned repeatedly this afternoon.

(Mr. Rivera Perez)

Principle VII sets out the minimum terms and conditions for free association of a Territory with an independent State. Those terms and conditions have never been met during the 92 years of the relationship between the United States and Puerto Rico. There is no relationship of free association. There is no bilateral relationship between them. Puerto Rico today is under the sovereignty of the United States Congress. That same Congress has determined and now determines the civil rights and the political status of the United States citizens born and residing in Puerto Rico.

General Assembly resolution 748 (VIII) put an end to the obligation of the United States to transmit information to the Secretary-General, on the premise that from 1950 to 1952 and during the approval of the Puerto Rican constitution, a political association between the United States and Puerto Rico had been consummated through a mutual and bilateral agreement. The premise was that Puerto Rico was no longer subject to the sovereignty of Congress under the territorial clause of the United States Constitution. The General Assembly adopted resolution 748 (VIII) on the basis of false premises. In recent years this Committee has received voluminous information and testimony to that effect.

The Puerto Rican people has the inalienable right to self-determination and to the quest for complete freedom and for sovereignty. For the past 39 years the people of Puerto Rico has had a growing role in achieving a system with a full degree of self-government, seeking its complete freedom and its sovereignty through integration of the island with the United States. Federated statehood, as the ideal of integration of the island with the United States is known in Puerto Rico, has gained increasing support from the people; that support has risen from 12 per cent in 1952 to about 50 per cent today.

(Mr. Rivera Perez)

Principle IX of resolution 1541 (XV) requires that the integrating Territory should have attained an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes, acting with full knowledge of the change in their status in a democratic process impartially conducted and based on universal adult suffrage.

As a result of the adoption of the Puerto Rican constitution, all the requirements of Principle IX of General Assembly resolution 1541 (XV) have been met. Under its constitution, our country possesses institutions that make possible a well-informed democratic process enabling us to choose freely one of the alternatives referred to in Principle VI. An embryo was created through the adoption of the constitution, whose preamble sets forth the Puerto Rican people's aspirations for bringing that embryo to birth. The determining factors in the people's mind were - and still are - United States citizenship and the development and culmination of its aspirations for the birth of that embryo, enriching the institutions and the democratic postulates contained in its constitution, enjoying the rights and prerogatives of such citizenship at the individual and collective levels.

If the Puerto Rican people were to opt for integration of the island with the United States as a state of the Union in exercise of its right of self-determination, that would mean the birth of the embryo and the creation of a de facto state in conformity with United States constitutional law, the same kind of de facto state as was created by the exercise of the right of self-determination of the peoples of Alaska and Hawaii, now states of the Union. That process was recognized by the General Assembly in its resolution 1469 (XIV), which was mentioned earlier.

(Mr. Rivera Perez)

Resolution 748 (VIII) is entitled "Cessation of the transmission of information under Article 73 e of the Charter in respect of Puerto Rico"; resolution 1469 (XIV) is entitled "Cessation of the transmission of information under Article 73 e of the Charter in respect of Alaska and Hawaii". In both instances, the United States asked the General Assembly for permission to cease transmitting information, arguing that Puerto Rico in the first case and Alaska and Hawaii in the second case had effectively exercised their right of self-determination. The United States did this in 1953 for Puerto Rico and in 1959 for Alaska and Hawaii. Its purpose in both cases was to free itself from the obligation to transmit information relating to those three geopolitical entities, which it had administered and which had been classified by the international community as colonial Territories.

Subsequently, on 15 December 1960, resolution 1541 (XV) was adopted. The criteria used by this Committee to determine that Puerto Rico is a colonial Territory are set out in Principles IV and V annexed to resolution 1541 (XV), which accurately describe the present relationship between Puerto Rico and the United States. However, the integration of Alaska and Hawaii into the United States has never been studied by this Committee or any other Committee of the Organization.

The CHAIRMAN: I request the petitioner to complete his statement in one minute.

Mr. RIVERA PEREZ: I shall try to summarize the rest of my statements. The integration of Alaska and Hawaii into the United States has never been challenged by any committee. But this very Committee has been challenging every year the present relationship of Puerto Rico with the United States, which is irrefutable proof that Puerto Rico is a colonial Territory, whereas Alaska and Hawaii are not.

(Mr. Rivera Perez)

Principle VIII of resolution 1541 (XV) establishes the requirements and conditions for the integration of a Territory with an independent State: complete equality for the peoples of the Territory, equal status and citizenship rights and equal guarantees of fundamental rights and freedoms without any distinction or discrimination. There should be equal rights and opportunities for representation and participation at all levels in the executive, legislative and judicial organs of government.

The postulates of the Magna Carta of the free world, the Universal Declaration of Human Rights, were incorporated by the General Assembly into the option of integration as set out in Principle VIII. The Assembly considered the application of those postulates essential to the integration of the Territory in order that it might attain a full measure of self-government.

The preamble of the Universal Declaration of Human Rights states that:

"... recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".

That is precisely what the Puerto Rican statehood movement is asking: enjoyment of the right to participate in the organs of government - that is, the Congress and the President of the United States - under conditions of equality, on the basis of articles 2, 7 and 21 of the Universal Declaration of Human Rights.

As I am out of time, I appeal to the members of the Committee to read our presentation and the study entitled "Puerto Rico: Three Roads to a Future", and I refer them to the verbatim records of the more detailed statements we made in 1988 and 1989.

Mr. Rivera Perez withdrew.

At the invitation of the Chairman, Mr. Victor Caballero (Grupo Federalistas de Empleados y Veteranos del Area Suroeste) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Caballero.

Mr. CABALLERO (interpretation from Spanish): I am Victor Caballero, a native of Fajardo, and I represent the civic organization called Grupo Federalistas de Empleados y Veteranos del Area Suroeste, whose Chairman is Mr. Rafael Torres Luna.

I assume that all members of this Committee know, as all Puerto Ricans should know, that Puerto Rico became a United States Territory as a consequence of the Spanish-American War, which ended in 1898 with a victory for the United States. Under the Treaty of Paris of 1898, Spain ceded its last possessions in the Caribbean and the Pacific to the United States; the Caribbean possessions included Puerto Rico. Thus, whether we like it or not, Puerto Rico is a Territory of the United States and is subject to the decisions made by the United States Congress.

The Jones Act of 1917, made Puerto Ricans United States citizens without consulting them on the matter. With citizenship came the obligation of mandatory service in the nation's armed forces, and many sons of our island were called up to serve in the First World War. In that way, Puerto Rico began to pay to the metropolitan Power the greatest tribute any people can pay: the blood and lives of its sons.

The history of this century records military interventions by the United States in Latin America - in Nicaragua, Haiti, Santo Domingo, Grenada and Panama. Sons of our land participated in all those interventions, and in most if not all of them Puerto Rican blood was shed to defend and maintain the ideals and interests of the United States. Troop movements for those

(Mr. Caballero)

interventions took place on orders from the President of the United States, without any Puerto Rican participation in the decision-making and without any opportunity for our colonial representative in Congress even to protest or oppose the presidential orders.

During the bombing raid on Libya, one of our sons, Major Rivas Dominicci, died when his aircraft crashed.

Even more dramatic is the fact that in the Second World War not only were thousands of Puerto Ricans called up but there were entire regiments composed of Puerto Ricans, such as the 295th and 296th regiments and the glorious 65th infantry regiment which during the Korean War covered the retreat of none other than the United States Marines. Because of the great number of Puerto Ricans who fought in that war, hundreds died and thousands were left maimed and mentally impaired for the rest of their lives. I recall Corporal Gomez, who lost three limbs while keeping the enemy at bay, and Fernando Luis Garcia Ledesma, a Marine who gave his life by throwing himself on a grenade in order to save the lives of his American - not Puerto Rican - comrades. For his courage he was posthumously awarded the highest decoration the nation bestows upon its valiant fighters, the Congressional Medal of Honor.

During the Second World War, apart from the 65th infantry regiment, there were few United States military units that did not count a Puerto Rican in their ranks. The sons of our land fought in the Pacific, North Africa, Italy, the Normandy invasion and finally Germany. Many returned in coffins covered with the Stars and Stripes, and others saw their hopes shattered as a result of the physical and mental wounds they had suffered.

(Mr. Caballero)

The Korean conflict was no exception. Our soldiers heeded the call of the nation. In addition to the 65th infantry regiment, whose base was Henry Barracks in Cayey, the 295th and 296th Puerto Rican National Guard infantry regiments were mobilized, and many of their members served and died in Korea.

(Mr. Caballero)

Thousands of Puerto Ricans took part in the hated Viet Nam war; many died, and thousands still suffer the consequences of that disaster.

The Persian Gulf situation clearly demonstrated that we Puerto Ricans are an integral part of the United States. Almost every Puerto Rican National Guard unit and Puerto Rican units of the Army reserve were mobilized for that intervention. Thus, on a single order from President Bush thousands of our sons were called to active duty and left their homes, their families and their obligations in order to fulfil their commitment to the nation and defend the interests of the United States in the Persian Gulf. Some of our sons perished there.

It will be clear that Puerto Rico's contribution to the military efforts of the United States has been notable and substantial. A few of the most distinguished Puerto Ricans in United States service come to mind: Admiral Horacio Rivero, Commodore Diego Hernandez and Air Force General Felices.

All of them have helped the United States preserve its way of life and its form of Government. But, through the territorial clause of the federal Constitution, the United States Government has not permitted those who sacrificed their lives to defend that way of life and that form of Government to enjoy the right to elect those who order them to go off to war. The nation that acts as the world's greatest champion of the democratic system of government denies more than 3 million of its citizens the right to decide their final political status.

In the light of world events and of our contribution to preserving the United States Government and way of life, statehood for Puerto Rico is no longer a privilege; it is a right. We have paid for that right with the blood and the lives of our sons. It is therefore vital that the case of Puerto Rico should be placed before the General Assembly in plenary meeting, that the

(Mr. Caballero)

Assembly should call on the United States to grant the Puerto Rican people the right to decide its final political status and that the Congress of the United States should respect and implement that decision.

Mr. Caballero withdrew.

At the invitation of the Chairman, Ms. Linda Gonzalez Bonilla (Juventud Vegabajeña en Pro de la Estadidad para la Isla de Puerto Rico) took a place at the Committee table.

The CHAIRMAN: I call on Ms. Gonzalez Bonilla.

Ms. GONZALEZ BONILLA (interpretation from Spanish): It is a pleasure to appear before this Committee. We believe that, as a people, we have the right to be represented in the United States and that we deserve the opportunity to be what we want to be: a sovereign state of the United States of America.

My name is Linda Gonzalez Bonilla, a member of the representative commission of Juventud Vegabajeña en Pro de la Estadidad para la Isla de Puerto Rico. I appear here in the conviction that our country possesses a spectrum of cultures strengthened thorugh family and educational values and that education plays a very important role in any nation's political, social, cultural and religious development.

I wish to speak of several points that justify the acceptance of Puerto Rico into the Union. The basic elements of its cultural life should be respected, and the Spanish language, as an integral part of that life, should be accorded the same dignity as the English language of the mainland. Moreover, a forward-looking educational philosophy should be created, one that not only would educate us but also would prepare us to face the realities of the world.

(Ms. Gonzalez Bonilla)

As a colony, Puerto Rico lacks an educational philosophy. We, the country's educators, enter and leave the public schools without a clear idea of the objectives of the Department of Education. We are certain that if Puerto Rico becomes a state of the Union, the public education system will be transformed for the benefit of the students. A well-educated people will be a productive people, and our combined resources will be the pride of the United States; we shall be the first Hispanic state and shall have professionals capable of doing their jobs to perfection.

Each of our political parties has tried in turn to create such a philosophy, but it cannot be done in a state of uncertainty.

The political situation has an impact on us as well. We are said to be the citiznes of the future, but what kind of future will that be? Will it be a Commonwealth which already has some features of a republic, a synonym for anxiety and uncertainty in the light of other nearby examples, will it be an independence under which we have virtually no natural resources, or will it be a federated state with all of its prerogatives, rights and privileges? This is what we young people, the population of the future, want: statehood, economic, social and educational stability for our country. We want clear educational goals. An excellent education should be available not only for talented students but also for those who are less talented but have other skills which they can develop for the good of the nation. Every student must be able to realize that education is life, not merely a set of specific skills.

We know that if Puerto Rico became a State, its educational system could be developed into a world-class system. That is why every change in the direction of sovereign statehood for the island must be on these realistic bases:

(Ms. Gonzalez Bonilla)

First, a people must not be forced to abandon its language, culture and characteristics but should rather be helped after integration to develop in a harmonious, creative and effective way, as other states of the nation are able to do today.

Secondly, Puerto Rico must lay great stress on ensuring that its public and private educational systems are provided with adequate facilities for teaching and learning Spanish and English as official and functional languages and the main instruments of work, communication and healthy coexistence.

Thirdly, the preservation and strengthening of both languages in Puerto Rican society will, in turn, serve as a uniting factor between the North American, Caribbean and South American cultures, acknowledging Europe's historical and cultural role in them.

We, the youth of Puerto Rico, and our fellow citizens endorse statehood because we deserve integration into the United States. We need the Committee to help us achieve that goal by recognizing that we are not a totally decolonized country and must strengthen the political rights of equal participation and equal representation. We are grateful for the Committee's intervention in this matter, with the recognition that we have the right to self-determination for the benefit of our people. We are ready to exercise that self-determination through a plebiscite. We ask the Committee to suggest to the United States that the plebiscite should be carried out and the wishes of the majority heeded.

Ms. Gonzalez Bonilla withdrew.

At the invitation of the Chairman, The Reverend S. Michael Yasutake (Prisoners of Conscience Project) took a place at the Committee table.

The CHAIRMAN: I call on the Reverend Mr. Yasutake.

The Reverend Mr. YASUTAKE: I am Michael Yasutake, Director of the Prisoners of Conscience Project, an interfaith organization sponsored by the National Council of the Churches of Christ in the United States that includes some 32 national Christian bodies encompassing 40 million Christians. The Prisoners of Conscience Project concentrates on human-rights issues concerning political prisoners in the United States. We are in contact with over 100 political prisoners, and we monitor prisons in which they are incarcerated.

Among those prisoners are 18 Puerto Rican political prisoners and prisoners of war. They come under our organization's definition of prisoners of conscience, imprisoned because of their beliefs, associations and activities.

Our commitment to human rights is expressed in numerous church pronouncements. In a nationwide theological summit last summer, we called for an end to violations of the human rights of political prisoners and prisoners of war by the United States, and a recent United Church of Christ national synod called for the granting of self-determination to Puerto Rico.

There are common characteristics in what Puerto Rican political prisoners and prisoners of war are confronting:

First, although in reality these Puerto Ricans were sentenced for their political activities, they were convicted as criminals. The United States Government consistently denies that it indicts anyone for political associations and activities, yet in the trials many of these Puerto Ricans were prosecuted for "seditious conspiracy", an inherently political charge. At the same time, any testimony asserting the rights of those Puerto Ricans to their political commitments and associations were routinely disallowed.

(The Rev. Mr. Yasutake)

Secondly, those prisoners are subjected to inhumanely long sentences. The sentences of some of the 13 Puerto Rican prisoners sentenced in Chicago, where I am located, are as follows: Luis Rosa, 105 years; Haydee Beltran, a life sentence; Carmen Valentin, 98 years; and Elizam Escobar, 68 years. The average sentence of those 13 prisoners is 71.6 years. In contrast, other types of prisoners convicted of similar or more serious crimes receive substantially lower sentences or are not sent to prison at all.

Thirdly, political prisoners and prisoners of war receive unusually harsh treatment, on which I shall not dwell, as much of this has already been brought out here. Such prisoners are under constant pressure to change their beliefs and politics, with promises of relief should they do so. They are frequently pressured to submit the names of other similar dissenters. The two prisons where many political prisoners have been and remain incarcerated are Marion Penitentiary in Illinois, the state where I am located, and the Lexington High Security Unit. They have both been condemned by Amnesty International as being in violation of the United Nations standard minimum rules for the treatment of prisoners. When the United States alleges violations of human rights by other nations, it is quick to invoke international law and appeal to the United Nations. Yet in regard to its own nation the United States denies that it holds political prisoners.

On behalf of many community and religious bodies in the United States, we wish to make some recommendations to the Special Committee:

We suggest, first, that the United Nations should seek compliance with its past resolutions that could terminate the structure and elements of the colonial domination of Puerto Rico by the United States.

(The Rev. Mr. Yasutake)

Secondly, we suggest that the United Nations should conduct investigations into violations of the human rights of Puerto Rican political prisoners and prisoners of war.

Lastly, we recommend that the Special Committee should help establish hearings for these Puerto Rican prisoners by an impartial international body, which could provide a means for the release of all political prisoners and prisoners of war in the United States.

The Reverend Mr. Yasutake withdrew.

The CHAIRMAN: The Committee will continue the hearings at its meetings tomorrow.

The meeting rose at 6.30 p.m.